

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52393 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- BACHHWARA District- Begusarai

ANIL RAI S/o- LATE LAL BABU RAI @ FULAURI RAI Resident of
Village- Kothi near Vidyapati Cold Storage, P.S.- Vidyapati Nagar, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the four named accused persons including Anil Rai son of Vijay Rai are said to have come variously armed. It is stated that as a result of firing by Vijay Rai and Laxman Rai, Munni Devi died on the spot, Pankaj Rai fired hitting Sujit, Anil Rai (not the petitioner) fired hitting Shiv Kumar Raut in his leg and all accused persons resorted to indiscriminate firing.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. From the contents of the FIR together with the supplementary affidavit filed online on behalf of the petitioner it would transpire that the learned Court below while rejecting the application for bail of the petitioner



has committed error of record. While the petitioner happens to be son of Late Lal Babu Rai, Anil Rai who has been named in the FIR is son of Vijay Rai. The name of this petitioner transpired in course of investigation in the confessional statement of co-accused Laxman Rai in paragraph no. 18 of the case diary and wherein also no overt act has been alleged against him. The petitioner is in custody since 18.6.2021. It is lastly submitted that the FIR named accused Anil Rai has been enlarged on bail.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation and the petitioner having remained in custody for more than 9 months, the Court directs the petitioner to be enlarged on bail in connection with Bachhwara P.S. Case no. 190 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M 1st Class, Begusarai.

(Partha Sarthy, J)

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