

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51612 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

Dharmendra Ray @ Dharmendra Kumar Ray, S/O- Lal Mohar Rai, R/o
Village- Mahakampur Bara, P.S.- Ara Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-03-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is in judicial custody in connection with
Ara Muffasil P.S. Case No.136 of 2020 dated 05.05.2020 under
Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian
Penal Code and 27 Arms Act lodged by the informant Shiv Shankar
Roy.

As per the FIR, 26 named persons and 10 to 15 unknown
persons armed with firearms came and started abusing them. When
the informant and his brother tried to pacify them, one Vijendra Rai
open fired which hit his brother Triloki Shankar Roy who died on the
spot. Meanwhile Pappu Rai also opened fire which hit Hari Shankar
Roy, second brother of the informant who also died in course of
treatment. The allegation against the petitioner herein is that he, Shiv
Mohan Roy and Vishnu Shankar Roy opened fired on the informant
but he anyhow saved himself.



Learned counsel for the petitioner submits that there is direct allegation against Vijendra Roy and Pappu Roy whose firing led to the killing of his two brothers, Triloki Shankar Roy and Hari Shankar Roy. So far as this petitioner is concerned, an omnibus allegation against him and two other accused that they opened fire which did not hit the informant herein.

The further submission of learned counsel for the petitioner with the supporting document (Annexure-3) is that Vishnu Shankar Kumar against whom allegation of firing towards the informant has been attributed has been enlarged on bail vide Cr. Misc. No.23664 of 2020 on 16.10.2020. The last contention of the learned counsel for the petitioner is that he is in judicial custody since 22.07.2021 as incorporated in para-12 of the bail application.

In the aforesaid facts and circumstances, let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of like amount each in connection with Ara Muffasil P.S. Case No.136 of 2020 to the satisfaction of learned A.C.J.M., Vth, Bhojpur at Ara and or the concerned court.

The bail application is allowed with the aforesaid observation.

(Rajiv Roy, J)

Prakash Narayan /-

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