

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52490 of 2021

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

Shiv Mohan Ray Son of Dwarika Ray Resident of Village - Mahakampur
Bara, P.S.- Ara Muffasil, Distt.- 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

2 05-04-2022 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 variously 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 along with Dharmendra



Rai and Vishnu Shankar Rai opened fire on the informant but he somehow 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 respectively. So far as this petitioner is concerned, an omnibus allegation against him and two other accused persons have been made 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 Rai and Dharmendra Rai against whom allegation of firing towards the informant has been attributed have been enlarged on bail vide Cr. Misc. No.23664 of 2020 and Cr. Misc. No.51612 of 2021 respectively. 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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