

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53427 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- KOCHAS District- Rohtas

NIRANJAN RAI @ NIRANJAN ROY Son of Late Abhay Narayan Rai
Resident of Village- Salathua, P.S.- Kudra, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Raj Kumar
For the Opposite Party/s :	Mr.Zainul Abedin
For the informant :	Mr. Akashdeep
	Mr. Rajesh Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-05-2022 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Kochas (Parsathua O.P.) Police Station Case No. 28 of 2021, registered for the offences punishable under Sections 302/307/120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information Report, is that the petitioner, along with other accused persons, entered into the house of the informant and while the informant's brother was climbing on the stairs, on the order of co-accused Chunnu Rai, two unknown criminals fired upon the



informant's brother, due to which he died.

Learned Counsel for the petitioner submits that the petitioner is not the assailant and he has falsely been implicated in this case merely because he was a member of the unlawful assembly. He further submits that the deceased was having criminal antecedent and the petitioner is in custody since 09.06.2021.

On the other hand, learned Counsel for the informant submits that the petitioner is having criminal antecedent and there is previous enmity between the petitioner and the side of the informant inasmuch as in the murder of the petitioner's father, the deceased was one of the accused, in which the deceased has been acquitted. The informant has apprehension that after release at this stage, the petitioner may influence the witnesses and take revenge.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is not the assailant and there is previous enmity between the party, I am inclined to grant regular bail to the petitioner, **after framing of charge**.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on



bail, **after framing of charge**, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Rohtas, at Sasaram, in connection with Kochas (Parsathua) Police Station Case No. 28 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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