

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56121 of 2021

Arising Out of PS. Case No.-288 Year-2021 Thana- KOILWAR District- Bhojpur

=====

PANJABI RAI @ RAKESH RAI Son of Shivpujan Rai Resident of Village -
Simariya Mahadevchak, Police Station - Koilwar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 07-06-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Koilwar PS case no. 288 of 2021 instituted for the offences
punishable under Sections 147, 148, 149, 302 of Indian Penal
Code and 27 of Arms Act.

The case of the prosecution in brief is that the
accused persons were digging and taking out sand illegally from
the field of the uncle of the informant, whereafter, the informant
and his uncle had gone to their field and objected to the accused
persons mining the sand illegally, however on the instigation
and direction of the co-accused person namely Kallu Rai, one
other co-accused person namely Anil Rai had fired gun shot on
the uncle of the informant resulting in his death at the spot.



The learned Senior counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 30.06.2021. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, he has not been alleged to have engaged in any sort of overt act and the allegation is upon the co-accused person namely Anil Rai of having fired gun shot on the uncle of the informant resulting in him succumbing to firearm injury sustained by him. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 25.05.2022, passed in Cr. Misc. no. 16319 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that there is no allegation of any sort of overt act *qua* the petitioner herein and the allegation of firing gun shot resulting in death of the uncle of the informant is upon



the co-accused person namely Anil Rai, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since about one year, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Bhojpur, Ara in connection with Koilwar PS case no. 288 of 2021.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

