

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 49811 of 2022

Arising Out of PS. Case No.-445 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

1. DHIRAJ RAI S/O BIRENDRA RAI Resident of village- Dihrama, P.S.- Sonhan, District- Kaimur.
2. SURENDRA RAI S/O KASHI RAI Resident of village- Dihrama, P.S.- Sonhan, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Dharendra Singh, Advocate
For the Opposite Party/s : Mr Bharat Bhushan, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

- 2 09-12-2022** During Virtual Court Proceedings in the first half, the learned counsel for the petitioners mentioned that the instant case, which is listed at Serial No 89, out of today's cause list comprising of total 100 cases, may be taken up in view of the urgency based on the fact of demise of father of petitioner No 2, grandfather of petitioner No 1. This Court had allowed the petitioners' counsel liberty to place on record material in support of such claimed urgency. Motion slip was filed along with certificate dated 08.12.2022 issued by the local Mukhiya certifying the death. It is submitted by the petitioners' counsel that petitioner No 2 is required for performing the last rites and



rituals as a result of his father's death. It is in such circumstance that the matter has been taken up for consideration through Virtual Court Proceedings.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners seek bail in Bhabua (Sonhan) Police Station (for brevity, **PS**) Case No 445 of 2022 registered for the offence punishable under Sections 147, 149, 160, 341, 323, 307 of Indian Penal Code and Sections 25 (1B) (a), 26, 35, 27 of Arms Act.

Allegation borne from the First Information Report is that the agnates were firing upon each other due to a land dispute between them. Both sides are alleged to have fired and sustained injuries. There is alleged recovery of firearms also from some of the parties. From the petitioners' possession or house, it is submitted that there is no recovery of any firearm. Their implication is by virtue of being family members. They are in custody since 13.07.2022 and have got no criminal antecedent.

Learned APP has opposed the prayer for bail by submitting that petitioners are named accused persons..



Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabua in Bhabua PS Case No 445 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

The petitioners' release would be subject to verification of the fact of death of father of petitioner No 2 by the local PS.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today



for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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