

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63020 of 2021**

Arising Out of PS. Case No.-72 Year-2021 Thana- DHANSOI District- Buxar

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ROHIT KUMAR RAI @ SUMAN RAI Son of Shambhu Sharan Rai @ Dau
Ji Rai R/o- Vill - Khochriha, P.S. - Dhansoi, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP
Mr. Manohar Prasad Singh, Adv.
Mr. Nagendra Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 13-04-2022 Heard learned counsel for the petitioner, learned A.P.P.

for the State and learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code.

As per the prosecution case, over a dispute relating to distribution of the agricultural produce between the members of the family, it is stated that the father of the petitioner herein shot the son of the informant who sustained gunshot injury and died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. In fact, the manner of occurrence is other than what has been



narrated in the F.I.R. Even accepting the allegations in the F.I.R. for the sake of argument, the petitioner is not the assailant. The petitioner is in custody since 6.8.2021 and chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State who submits that material has transpired in course of investigation against the petitioner. It is further submitted that the dispute arose as a result of distribution of the agricultural produce between the members of the joint family. The occurrence was given effect to using the licensed arms of the informant himself. The licensed arms continues in the possession of the accused persons including the petitioner herein who are demanding that the informant compromise the case on which they would return the rifle. It is lastly submitted that charge has been framed in the learned court below.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner having remained in custody since 6.8.2021 and even as per the F.I.R. not being the assailant of the deceased together with chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Dhansoi P.S. Case no.72 of 2021 on furnishing bail bond of Rs.10,000/



(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Additional Chief Judicial
Magistrate III, Buxar.

(Partha Sarthy, J)

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