

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69345 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- HASANPUR District- Samastipur

Abhisekh Rai @ Abhishek Ray @ Abhishek Roy @ Abhishek Kumar Son of
Sudhir Roy @ Sudhir Kumar Rai R/o Village- Musepur, P.S.- Garhpura,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, App

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Shahabuddin Azeem.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 34, 120 (B) of the
Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 24.09.2021, charge-sheet has been
submitted in the case and has antecedent of two cases.

Learned counsel for the petitioner submits that
informant alleges that on account of dispute relating to money
between the deceased and the named accused persons, including
the petitioner, the accused persons had threatened the deceased
(nephew of the informant) earlier. It is further alleged that on



06.09.2021, the accused persons called the deceased for settling the account on which he left after informing the informant and other family members, further, the informant got information that his nephew has been shot dead, thus alleges that the accused persons, including the petitioner, killed his nephew under conspiracy.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R it would manifest that the informant is not an eyewitness to the occurrence, the entire allegation hinges around suspicion, further, it is submitted that if the accused had threatened the deceased earlier with regard to settling of account of money then there was absolutely no occasion for the deceased to go on call made by the accused persons for settling the account. It is thus submitted that it appears that the deceased had absolutely no apprehension from the accused persons and it appears that the occurrence took place in some different manner and the informant took the same as an opportunity to implicate the petitioner as there was dispute relating to money. Learned counsel submits that co-accused Sarvesh Singh has been granted bail by order dated 20.04.2022 in Criminal Miscellaneous No. 19922 of 2022.



Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner has antecedent of two cases.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case, there is no eyewitness to the occurrence, the entire allegation hinges around suspicion and the co-accused has been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hasanpur P.S. Case No. 206 of 2020 with a condition that one of the bailors of the petitioner shall be his father Sudhir Roy @ Sudhir Kumar Rai.

Further, if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, then the learned court below shall forthwith cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

Gaurav Kumar/-

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