

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71230 of 2021**

Arising Out of PS. Case No.-97 Year-2021 Thana- MUSRIGHRARI District- Samastipur

SANJAY RAI @ SANJAY KUMAR Son of Ram Bali Rai Resident of
Village- Bakhari Buzurg Tole Bathua Buzurg, P.S.- Musarigharari, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar No1, Advocate
For the Opposite Party/s	:	Mr.Shahabuddin Azeem @ S. Azeem, APP
For the Informant	:	Mr.Anirudh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 120B 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 13.08.2021, charge-sheet has been
submitted in the case and has antecedent of one case. It is
further submitted that the case in which the petitioner got
implicated was instituted after institution of the present case, as
such, the petitioner prior to institution of the present case was a
person with clean antecedent.

The informant alleges that she is Mukhiya of Gram



Panchayat Raj Bakhri, it is next alleged that her husband along with his driver and two other persons had gone to the village for doing *panchayati*, further alleges that her husband was killed and the driver disclosed that Rajesh, Himanshu, Dharendra and Arjun along with two unknown accused shot him.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that petitioner is not named in the F.I.R. and his name transpired during the course of investigation when the police went to the house of the named accused person Himanshu and there found arms and ammunition used in the occurrence. It is further submitted that the petitioner is father of Himanshu and as such he came to be implicated in the occurrence. It is further submitted that the driver of the deceased disclosed the name of the accused who had participated in the occurrence including Himanshu and as such the driver was known to Himanshu hence he identified and similarly the driver was known to the father of Himanshu but he did not name him as one of the accused in the occurrence. Learned counsel further submits that the petitioner has been implicated for the reason that his son might have participated in the occurrence as during the course of investigation it is being alleged that the arms and ammunitions



used in the occurrence were recovered from the house of the accused Himanshu i.e., son of the petitioner.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner, that the petitioner is not named in the F.I.R. despite the fact that the driver who disclosed the name of the accused persons was known to Himanshu and the petitioner also.

Considering the fact that the petitioner is in custody since 13.08.2021, charge-sheet has been submitted in the case, is not named in the F.I.R. and taking into consideration the submissions of the learned counsel for the petitioner, let the petitioner above named be released on bail 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 court below where the case is pending/successor court in connection with Musarigharari P.S. Case No. 97 of 2021.

(Satyavrat Verma, J)

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