

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70801 of 2021

Arising Out of PS. Case No.-253 Year-2021 Thana- MAHARAJGANJ District- Siwan

1. Shankar Prasad @ Shankar Rai Son Of Magister Yadav @ Majister Rai Resident Of Village - Bishunpura, P.S- Maharajganj, Dist- Siwan
2. Surendra Yadav @ Surendra Rai Son Of Magister Yadav @ Majister Rai Resident Of Village- Bishunpura, P.S- Maharajganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2022 This application has been listed under the heading
“For Orders”.

Registry has pointed out several defects in the present application.

Mr. Raghav Prasad, learned counsel for the petitioners submitted that the defects are mainly because only e-filing of the applications are permitted by the Court. He submitted that the defects can be removed only after filing of hard copy is permitted. He undertook that even if the applications are heard and disposed of on merit, in due course of time, when the Court would permit filing of hard copy, the defects pointed out by the registry would be removed.



In view of the submissions made by the learned counsel for the petitioners, with consent of the parties, the application has been taken up for hearing on merit.

In the present application preferred under Section 438 of the Code of Criminal Procedure, the petitioners have prayed for grant of pre-arrest bail in connection with Maharajganj P.S. Case No.253 of 2021 registered for the offences punishable under Sections 307/120-B of the Indian Penal Code as well as Section 27 of the Arms Act.

Considering that there is specific allegation against the petitioner no.1 Shankar Prasad @ Shankar Rai that he exhorted upon which co-accused Roopchand Rai opened fire causing injury in the left thigh of the informant, I am not inclined to grant him pre-arrest bail. The application so far as petitioner Shankar Prasad @ Shankar Rai is concerned, is rejected.

So far as petitioner no.2 Surendra Yadav @ Surendra Rai is concerned, there is no allegation of overtact against him in the first information report. He is said to be simply a person who was present at the time of occurrence along with the accused persons.

In that view of the matter, petitioner no.2 Surendra



Yadav @ Surendra Rai is directed to be released on bail in the event of his arrest or surrender before the court below on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of ACJM-V, Siwan in Maharajganj P.S. Case No.253 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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