

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72390 of 2021

Arising Out of PS. Case No.-16 Year-2019 Thana- AKILPUR District- Saran

ARVIND RAI @ ARVIND Son of Ram Chandra Ray Resident of Village -
Purani Panapur, P.S. - Akilpur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Akilpur
P.S. Case No. 16/2019 registered for the offences punishable
under Sections 307/379/34 of the Indian Penal Code and Section
27 of the Arms Act.

As per prosecution case, the informant Tuddu Kumar
has been alleged that on 18.03.2019 at about 9.00 pm he got
information that Puja Kumari who was married with one
Satendra Rai of village Kedalpur was murdered by her in-laws
family and to verify this fact the informant alongwith father of
the deceased Puja Kumari went to her Sasural where they saw



that family members of Satendra Rai are absconding and door of his house found locked then the informant alongwith father of the deceased and others reached Purani Panapur at the house of one Ramchandra Rai who is relative of Satendra Rai and asked about the murder of deceased Puja Kumari then Ramchandra Rai gave order to his sons Arvind Rai (petitioner) and co-accused (Manoj Rai) to shoot them. Thereafter, petitioner and co-accused, Manoj Rai took out gun from the house and started firing. In the meantime, the firing of petitioner hit on the thigh of the informant. Accused, Budha Rai snatched golden chain from the neck of the informant and accused Ajeet Rai snatched cash Rs.21,000/- from the pocket of the informant. The people of the vicinity came there then the accused persons fled away after that the informant was taken to hospital for treatment.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The informant alongwith his associates armed with fire-arms reached at the house of the petitioner with intent to kill him and while the informant taking out his loaded pistol from his waist then pistol fired due to mistake and the informant himself sustained injury on his thigh of left side. He further submits that the informant was examined by the doctor and the



doctor found one entry wound and one exit wound on his thigh caused by fire-arm and injury may be dangerous to life. The petitioner is languishing in custody since 15.07.2021 and bears criminal antecedent of six cases. He further submits that it is very difficult to identify the person whose firing hit to the informant whereas two persons are alleged to make firing by their respective gun and at the time of occurrence there was dark night and no source of light has been alleged by the informant.

Learned counsel for the petitioner further submits that the informant alleged that after receiving injury he fell down, then co-accused Budha Rai came forward and snatched golden chain from the neck of the informant and co-accused, Ajit Kumar Rai took out Rs.21,000/- from the pocket of the informant. Whereas at that time opportunity was available to the accused persons for causing murder to the informant. He further submits that it is true that there was no intention to cause grievous hurt or commit his murder because injury was not caused by the petitioner on the vital part of body as such no case under Section 307 of the I.P.C. is made out against the petitioner rather it is a case of Section 325 of the I.P.C. Charge sheet has been submitted in this case and there is no chance of tampering with the prosecution evidence.



The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner of open firing due to which the informant sustained injury.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted, and also taking into consideration the material available on record, let the petitioner above named be released on bail, **if trial is preferably not concluded within nine months from the date of receipt of the order**, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra/concerned court. in connection with Akilpur P.S. Case No. 16/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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