

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3885 of 2023**

Arising Out of PS. Case No.-350 Year-2022 Thana- BIBHUTIPUR District- Samastipur

SHOBHIT RAI Son of Ram Pratap Ray Resident of Village- Samartha Ward
No.10, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23679 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- BIBHUTIPUR District- Samastipur

RINKU DEVI W/O DILEEP RAI @ DILIP KUMAR Resident of Village and
P.O.- Samertha, Panchayat Kalyanpur South, P.S.- Bibhutipur, District-
Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3885 of 2023)

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Bharat Lal

(In CRIMINAL MISCELLANEOUS No. 23679 of 2023)

For the Petitioner/s : Mr.Shashi Dhar Jha

For the Opposite Party/s : Mr.Choubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 18-05-2023 Heard learned counsel for the petitioners and learned
APP for the State in both Cr. Misc. application.

Petitioners seek bail, who is in custody since
02.09.2022 & 01.09.2022 respectively, in connection with
Bibhutipur P.S. Case No. 350 of 2022, F.I.R. dated 30.08.2022,
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

Prosecution story is that informant Rinku Devi filed a



written petition before the concerned P.S. stating therein that she along with her husband were going by motorcycle to Jhamatiya Ganga bath and near Mishroliya Chowk she saw that two persons were coming behind her by Glamor motorcycle in which one person was kept pistol in his hand. It has further been stated that her husband moved to take petrol then two persons were waiting to them after some distance and where her husband came out from petrol pump then proceeded and they reached in between Chakbiduliya and pursottampur then the said persons came near adjacent and fired from his pistol, the bullet hit near Panjara of her husband and both of them fell dawn from motorcycle, but some peoples reached there and they were taken away to her husband near Dr. Ashok Kumar Sharma, Begusarai, but he referred to Sadar Hospital, Begusarai and where police declared him to died.

Learned counsel for the petitioner submits that the petitioner in Cr. Misc. No. 3885 of 2023 carries one criminal antecedent and petitioner in Cr. Misc. No. 23679 of 2023 carries no criminal antecedent and both the petitioners have been falsely implicated in the present case. Learned counsel for the petitioner further submits that the name of the petitioners have come during the course of investigation and the the F.I.R. is



against unknown person and the name of the petitioners have been transpired on the basis of confessional of the petitioner, Shobhit Rai and except the confessional statement of the petitioner, Shobhit Rai, nothing is there to suggest the involvement of the petitioners in the present case. It appears from the F.I.R. itself that the date of occurrence as alleged on 29.08.2022, but before the filing of the present F.I.R. with all the formalities have completed by the prosecution, i.e., inquest report etc. and the police has submitted chargesheet against the petitioners and the petitioner, Shobhit Rai is in custody since 02.09.2022 and the petitioner, Rinku Devi is in custody since 01.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner in Cr. Misc. No. 3885 of 2023 carries one criminal antecedent and petitioner in Cr. Misc. No. 23679 of 2023 carries no criminal antecedent.

Considering the facts and circumstances of the case, let the petitioners in both Cr. Misc. petitions, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rosera, District-



Samastipur, in connection with Bibhutiput P.S. Case No. 350 of 2022, subject to the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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