

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4719 of 2023

Arising Out of PS. Case No.-103 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Yogendra Rai @ Bhukhal Rai Son Of Kuldeep Ray R/O Village- Kapan, P.S.-
Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Zainul Abedin, APP
For the Informant :	Mr. Gaurav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.10.2022 in connection with Bibhutipur P.S. Case No. 103 of
2020, F.I.R. dated 07.05.2020 for the offences punishable under
Sections 307, 447/34 of the Indian Penal Code and Section 27 of
the Arms Act.

According to prosecution case, six named accused
persons including the petitioner herein came variously armed



and started to abuse the informant and others. This petitioner has fired upon the informant due to which she sustained firearm injuries.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation against the petitioner is that he has fired upon the informant due to which she sustained gunshot injury on forehead and neck. He further submits that due to previous dispute the present occurrence has taken place. He further submits that there is case and counter case between the parties and the injury report of the victim suggests that all the injuries are lacerated wound and caused by fire arm injury. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Anmol Rai and Dinesh Rai have been granted bail by a Co-ordinate Bench of this Court vide order dated 24.11.2021 passed in Cr. Misc. No. 52817 of 2021 and other co-accused persons, namely, Siya Ram Rai and Sonu Kumar @ Sonu Kumar Rai have been granted bail by a Co-ordinate Bench of this Court vide order dated 20.09.2021 passed in Cr. Misc. No. 8325 of 2021. The petitioner is in custody since 19.10.2022.



The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the direct allegation of firing is attributed against the petitioner. They further submits that the petitioner has been acquitted in all the cases which was mentioned in paragraph 3 of the bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Rosera, District- Samastipur in connection with Bibhutipur P.S. Case No. 103 of 2020, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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