

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7747 of 2023

Arising Out of PS. Case No.-385 Year-2021 Thana- BIKRAMGANJ District- Rohtas

SHASHI KANT RAI @ SHASHIKANT RAI Son of Sheo Pukar Rai R/o
Village - Baruna, P.S.- Bikramganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajesh Kumar Singh, Sr. Adv. Mr. Manish Kumar Singh, Adv. Ms. Akrity Aishwarya, Adv.
For the Opposite Party/s :	Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned Senior Counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bikramganj P.S. Case No. 385 of 2021, registered for the offence punishable under Sections 147, 148, 149, 341, 427, 435, 307 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, is that the daughter-in-law of the informant was a candidate for Mukhiya election and on the alleged date and time of occurrence, she was going to the house of one Ritesh for attending a function by car and on the way, the accused persons including the petitioner herein started firing indiscriminately, however, the daughter-in-law of the informant somehow managed to escape and did not receive



any injury, nonetheless, the accused persons are alleged to have set her car on fire.

The learned Senior Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned Senior Counsel for the petitioner has further submitted that though the petitioner is an accused in one another case, but the same arises out of the same incident, out of which the present case arises and in the said case, the petitioner has already been granted the privilege of anticipatory bail. The learned Senior Counsel for the petitioner has further submitted that admittedly, neither the daughter-in-law of the informant nor anyone else has been injured and moreover, the informant is not the eye-witness of the alleged occurrence. It is further submitted that a general and omnibus allegation has been levelled against the petitioner and other accused persons. Lastly, it is submitted that similarly situated co-accused persons have already been granted anticipatory bail, vide order dated 14.11.2022, passed in Criminal Miscellaneous No. 58845 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



considering the submissions made by the learned Senior Counsel for the petitioner, taking into account the materials available on record as also considering the fact that neither the daughter-in-law of the informant is alleged to have been injured in the said incident nor any specific allegation of overt act has been alleged qua the petitioner, apart from the fact that similarly situated co-accused persons have already been granted the privilege of anticipatory bail, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-1, Bikramganj, Rohtas in connection with Bikramganj P.S. Case No. 385 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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