

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11727 of 2023**

Arising Out of PS. Case No.-253 Year-2022 Thana- TEGHRHA District- Begusarai

ANURAG KUMAR @ BHULLA Son of Shri Anil Rai Resident of Village -
Bagraha Dih, P.S.- Phulwariya, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Teghra P.S. Case No.253 of 2022 instituted under Section 396 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 302, 120(B), 34 of the IPC added lodged on 03.09.2022 by the informant Subodh Rai.

As per the FIR, informant while he was going to sleep after taking meal, Shivlochan Rai @ Lusi, Sushil Rai, Ram Paswan, Shiv Datta Rai and three to four unknown persons entered into his house and began to ransack his house. Thereafter, they protested and came out from the house and saw



that some culprit further, the accused tried to took away his tractor. Later, Sushil Rai fired on his son namely Awnish Kumar and thereafter Shiv Lochan @ Lushi fired due to which his son fell down on the land and died. Further, Ram Paswan fired on abdomen of Rajnish, when he tried to save his brother Awnish Kumar. Further, they attempted to kill him when he too ran to save his both sons. The attackers Shiv Datta Rai, broke his hand assaulting by the butt of pistol. Three to four unknown persons were on motor cycle and having arms. It is lastly alleged that there has been previous enmity with all the aforesaid persons and family members of Shiv Lochan Rai. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has been falsely implicated in this case and as would appear, the specific allegation is against Sushil Rai, Shiv Lochan and Ram Paswan. So far as this petitioner is concerned, no role of assault has been attributed to him but his implication has come resulting into his in custody since 09.09.2022 (as stated in para-18 of the petition).

Learned counsel for the informant opposes the prayer but concede that the specific allegation is against aforesaid three accused.

Considering the aforesaid facts as narrated by the



learned counsel for the petitioner that specific names have been alleged in the FIR and he is not amongst them and remained in custody since 09.09.2022 (as stated in para-18 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Teghra P.S. Case No.253 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash
Narayan/Sunil

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