

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15042 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Chandan Kumar Son Of Umesh Ray Resident Of Village- Bakhri Bujurg,
P.S.- Musrigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24071 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Himanshu Ray Son Of Sanjay Rai @ Sanjay Kumar Resident Of Village -
Bakhari Buzurg Tole Bathua Buzurg, P.S.- Musarigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15042 of 2022)

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Pranav Kumar

(In CRIMINAL MISCELLANEOUS No. 24071 of 2022)

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioners,

informant and learned A.P.P appearing on behalf of the

State.

The petitioners are languishing in custody in a

case registered for the offences punishable under

Sections 302, 120(B) of the Indian Penal Code.



The informant alleges that she is Mukhiya of Gram Panchayat Raj Bakhri. It is further alleged that her husband had gone along with his driver and two other persons to the village for doing *panchayati* and while he was returning, he was killed by Rajesh Pal, Himanshu Rai, Dhirendra Rai @ Barka Baua @ Ganni Rai, Arjun Das @ Karia and two other unknown accused persons by gunshot firing.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. It is submitted by petitioner/Chandan Kumar (Cr. Misc. No. 15042/2022) that he was not named in the F.I.R and his name transpired on the basis of C.D.R with co-accused Rajesh Pal and ownership of the seized motorcycle. The co-accused Rajesh Pal is the friend of the petitioner/Chandan Kumar and he has given his motorcycle since he was in some need but he has misused the motorcycle. The petitioners are in custody



since 04.01.2022 and 27.10.2021 respectively.

Learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioners and submitted that petitioner Himanshu Rai(Cr. Misc. No. 24071/2022) is named in the F.I.R and there is specific allegation against him that he shot at the deceased. The postmortem report is annexed with the case diary. The doctor has found six gunshot injuries on the person of the deceased. The cause of death is gunshot injuries due to firearm. Though petitioner/Chandan Kumar (Cr. Misc. No. 15042/2022) is not named in the F.I.R and his name transpired on the basis of C.D.R with the accused person.

Considering the fact that there is no direct allegation against petitioner/Chandan Kumar(Cr. Misc. No. 15042/2022) and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands)



with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Samastipur in connection with Musrigharari P.S. Case No. 97 of 2021.

Since there is specific accusation against petitioner/Himanshu Rai (Cr. Misc. No. 24071 of 2022), this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner/Himanshu Rai (Cr. Misc. No. 24071 of 2022) is rejected.

The Trial Court is directed to expedite the trial and conclude the same as early as possible with respect to petitioner/Himanshu Rai (Cr. Misc. No. 24071 of 2022)

(Sunil Kumar Panwar, J)

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