

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15301 of 2023

Arising Out of PS. Case No.-999 Year-2022 Thana- BIHTA District- Patna

SABHA RAI, aged about 81 years, Gender-Male, S/O LATE AMBIKA RAI,
Resident of Village- Suar Marwa, P.S.- Maner, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajeev Ranjan Sinha, Advocate
For the Opposite Party : Mrs. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bihta P.S.
Case No. 999 of 2022 registered for the offence under Sections
147, 148, 149, 307, 379, 120(B), 160, 216 of the I.P.C. and
Section 27 of the I.P.C. Later on, Section 302 of the I.P.C. was
also added.

The prosecution case, in brief, is that on 29.09.2022 at
about 11.40 A.M., on receiving information from the Coukidar,
the informant alongwith others went at the place of occurrence
and saw that several people of two groups of sand Mafias were
firing indiscriminately to each other and some people of both
groups were fleeing here and there. The informant and others
inspected the place of occurrence and recovered some empty



cartridges from the place of occurrence and thereafter the informant and others raided the house of accused, Sri Rai, Gopal Rai, Dhiraj Rai, Surendra Rai, Arun Rai and Deepak Kumar but they were not found in their house. Subsequently, due to said firing, Shatruhan Rai, Laldeo Rai and Mukesh Rai succumbed to the injuries on the spot itself.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.10.2022. He has remained in custody for seven months. He has got no criminal antecedent. He has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no chance of trial being concluded in near future. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused, namely, Pankaj Kumar. Except for this, there is no other substantive evidence to suggest the participation of the petitioner in the alleged occurrence. No specific overt act is alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Danapur, Patna, in connection with Bihta P.S. Case No. 999 of 2022.

(Sudhir Singh, J)

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