

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17228 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- BARHARA District- Bhojpur

1. KARAN KUMAR RAI @ TARKESHWAR RAI SON OF RAM SARAN RAI RESIDENT OF VILLAGE- SURATPUR, PS- DORIGANJ, DIST- SARAN (CHHAPRA)
2. ARJUN RAI @ SHUSHIL KUMAR SON OF RAM SARAN RAI RESIDENT OF VILLAGE- SURATPUR, PS- DORIGANJ, DIST- SARAN (CHHAPRA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Anant Kumar Pandey, Adv.
For the Opposite Party/s :	Mr.Mohammed Arif, APP.
	Mr. Raju Kumar Singh, Adv.
	Mr. Uday Pratap Singh, Adv.
	Ms. Malti Kumari, Adv.
	Mr. Rajendra Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-07-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act, and later on 302 of the Indian Penal Code was also added.

Allegedly, all the FIR named accused persons including these petitioners came to the informant and surrounded him and his son. On instigation, co-accused Ritesh Yadav and Dinesh Yadav fired upon the informant's son, who got injured and died in course of treatment.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The allegation, as per the FIR, against the petitioners is that prior to the alleged occurrence, they threatened the informant to commit murder of the informant's son. There is specific allegation against co-accused Ritesh Yadav and Dinesh Yadav. Similarly situated co-accused, namely, Nand Bihari Rai and Suraj Rai have been enlarged on bail by a co-ordinate bench of this court vide order dated 03.02.2023 passed in Cr. Misc. No. 63698 of 2022. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of



Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Barahara P.S. Case No. 343 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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