

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20163 of 2022

Arising Out of PS. Case No.-3 Year-2021 Thana- BIDUPUR District- Vaishali

1. UPENDRA RAI Son of Late Sakal Rai Resident of village - Kutubpur (Shaidchak Mohamad), P.S.- Bidupur, Dist.- Vaishali.
2. Rakesh Kumar Son of Upendra Rai Resident of village - Kutubpur (Shaidchak Mohamad), P.S.- Bidupur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan Sinha, Advocate
For the State	:	Dr.Mrityunjaya Kr.Gautam, APP
For Informant	:	Mr.Rajesh Kumar Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-01-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Bidupur P.S. Case No. 03 of 2021 for the offence registered under Sections 147, 148, 149, 341, 323, 302, 504, 506 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding 11 named accused persons including the petitioners herein, variously armed, having arrived at the door of the house of the informant, whereafter all the accused persons had engaged in assaulting the informant



and his family members. It is also alleged that the co-accused person, namely, Vijay Rai had fired from his country made pistol on the father of the informant resulting in him sustaining fire arm injury leading to his subsequent death.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 27.01.2022. The learned counsel for the petitioners has submitted that the allegation of firing has been levelled against the co-accused person, namely, Vijay Rai and as far as the petitioners are concerned, a general and omnibus allegation has been levelled, hence the petitioners be granted the privilege of bail. It is further submitted that similarly situated co-accused persons have already been granted bail vide order dated 21.12.2021 passed in Criminal Miscellaneous No. 36045 of 2021 and the one dated 06.01.2022 passed in Criminal Miscellaneous No. 42091 of 2021.



Per contra, the learned A.P.P. 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 counsel for the petitioners and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have been granted bail by Co-ordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioners herein on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 03 of 2021.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

