

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27245 of 2023

Arising Out of PS. Case No.-678 Year-2022 Thana- BIHTA District- Patna

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AMIR LAL RAI @ AMIR RAI S/O KITAAB RAI Resident of Raipur Binagawan, P.S.- Doriganj, District- Saran at Chapra, Presently resident in the house of Sanjay Singh as tenant, Kurji, Viaksh Nagar Road, No.- 8A , P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 28-08-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 201/34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, the informant alleged that her husband was committed murder by shot fire by two co-accused persons along with the petitioner. The petitioner is said to have fired third bullet upon the person of deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The informant is not the eye witness of the alleged occurrence and merely on the basis of so-called disclosure of her son, the



petitioner has falsely been implicated in this case. From the perusal of the case diary, though the petitioner is alleged to have fired at the deceased, the body of the informant's husband has not been recovered which raised suspicion upon the prosecution. It is also submitted that postmortem has not been conducted as the dead body was not recovered. Neither the petitioner has concerned with the occurrence nor any incriminating article has been recovered from his conscious possession. During course of investigation, no consistent evidence has come against the petitioner which suggests his involvement in the present case. It is further submitted that the petitioner is languishing in judicial custody since 1.8.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sessions Trial No. 1408 of 2022 arising out of Bihta P.S. Case No. 678 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional District and Sessions Judge-I, Civil Court, Danapur
at Patna.

(Sunil Kumar Panwar, J)

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