

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31449 of 2023

Arising Out of PS. Case No.-195 Year-2021 Thana- BAKHTIYARPUR District- Patna

BHOLA @ AJAY KUMAR SON OF LATE GAURI SHANKAR RAY R/O-
TEJA BIGHA, P.S.-BAKHTIYARPUR, DISTT.-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rashmi Sharma, Advocate
For the Opposite Party/s	:	Mr. Abhitabh Kumar, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with ST. No.
728 of 2022 arising out of Bakhtiyarpur P.S. Case No. 195 of
2021 registered for the offence under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.02.2023.

The allegation against this petitioner is to commit
murder of brother of informant alongwith other co-accused
persons by causing firearm injuries, where occurrence arises out



of land dispute.

Learned counsel appearing on behalf of the petitioner submitted that the maximum allegation against this petitioner is to hold the deceased brothers of informant by hand, where specific allegation to cause fatal firearm injuries is against co-accused Deogan Rai, as per the narration of F.I.R. and by considering the same fact co-accused, namely Praduman Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 33765 of 2022 vide order dated 13.01.2023. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail in one case and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel Mr. Abhitabh Kumar appearing on behalf of informant, while opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as specific allegation to cause fatal firearm injuries is available against co-accused Deogan Rai, where allegation against this petitioner is limited as to hold, coupled with the fact



that charge-sheet has already submitted, where petitioner is in custody since 13.02.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with ST. No. 728 of 2022 arising out of Bakhtiyarpur P.S. Case No. 195 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Barh, District- Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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