

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33236 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- TAJPUR District- Samastipur

=====

RANJIT KUMAR RAI S/o Nannipat Rai R/o village- Morwa Raitol, P.S.-
Mushrigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh

For the Opposite Party/s : Mr.A.G

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

8 16-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Tajpur
P.S. Case No. 34 of 2022 registered for the offences punishable under
Sections 120B, 385, 387 and 307 of the Indian Penal Code and
Section 25(1-B)a, 26, 27 and 35 of the Arms Act.

As per prosecution case, informant bus was crossing
near motipur bus stand suddenly five persons came on two
motorcycle and fired upon the driver, Abid Hussain. It is further
alleged that three bullet hit the victim and he was admitted to
hospital. It is further alleged that some days ago scuffle took place
between informant's other drivers and staff of Mahadev Rath namely
Ghantu, Ranjit (present petitioner) and four others. It is also alleged



that ransom of rupees two lakh was demanded from informant to be paid to the owner of bus Mahadev Rath. It is further alleged that gossip was going that miscreants were hired for killing the informant.

Learned counsel for the petitioner submits that petitioner is in custody since 28.01.2022 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Petitioner has nothing to do with the alleged occurrence as there was business rivalry between co-accused Madhu Ranjan Ojha and informant of present case regarding time of the bus. He further submits that from the perusal of the FIR itself, it appears that neither any demand of ransom has been made from the informant nor any direct threatening was given to him as such no case is made out under Section 385 and 387 of the IPC. He further submits that no evidence has been found against the petitioner as such no case is made out under Section 307 of the IPC. He further submits that victim who has sustained gun shot injury has not stated anything about the present petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Chief Judicial Magistrate, Samastipur in connection with Tajpur P.S. Case No. 34 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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

