

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36028 of 2023

Arising Out of PS. Case No.-295 Year-2021 Thana- MANER District- Patna

Krishna Rai @ Srikrishna Rai S/O Late Parikshan Rai R/O Village Sherpur
Chakia Tola, P.S. Maner, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Rajeev Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Maner P.S. Case No. 295 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code r/w Section 27 of the Arms Act.

3. It is alleged that the husband of the informant received a call on his mobile from co-accused Akhilesh Rai who asked her husband to come to Sherpur Ganga Ghat with food materials of 7-8 persons. It is further alleged that while she was stalking voice of co-accused, voice of Mithilesh Rai and Upendra Rai were also coming from behind. Further allegation has been levelled that when her husband did not return in the late night and, the informant called him on his mobile



whereupon he told her that he will come in a while but did not return. The informant came to know that all the accused persons shot her husband dead. Specific allegation has been levelled against co-accused Mithilesh Rai, Akhilesh Rai and Shambhu Rai who fired upon the deceased husband of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is not an eye witness to the alleged occurrence nor during the course of investigation, any witness has come forward to say that the petitioner was seen at or near the place of occurrence. Further submission has been made that identically situated persons, namely, Angad Kumar, Anand Kumar and Bitan Singh have already been allowed the privilege of anticipatory bail by the learned co-ordinate Benches of this Court in Cr. Misc. No. 64127 of 2021, 44424 of 2022 and 49453 of 2022 vide order dated 29.08.2022, 15.12.2022 and 09.01.2023 respectively. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation and would not indulge in intimidating the witnesses.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that there is serious allegation against the



petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no eye witness to the alleged occurrence and moreover persons having identical allegation have been given the privilege of anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Danapur (Patna), in connection with Maner P.S. Case No. 295 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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