

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44841 of 2023**

Arising Out of PS. Case No.-1032 Year-2019 Thana- SONEPUR District- Saran

Rahul Raj, Son Of Chandradeep Singh Resident Of Village- Majlishpur, Ps-
Biddupur, Distt- Vaishali Petitioner/S

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Kumar
For the Opposite Party/s : Mr. Parmanand Kumar
Mr. Pramod Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 09-08-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
307/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and the informant alleges
that unknown criminals shot his son, who was brought to Ganpati
Hospital at Hajipur and from there, he was referred to a higher
centre and was admitted in Paras where doctor disclosed that he
has been operated and had suffered five firearms injury.

4. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. It is next
submitted that the entire allegation hinges around suspicion and
confession. It is further submitted that the victim in his statement
recorded under Section 161 of the Cr.P.C. disclosed that he along
with Rahul Raj (petitioner) and Rohit Kumar went to Sabalpur on



a scooty when they were intercepted by three motorcycles borne criminals and all the three criminals fired at him causing injury and one of the criminals was identified as Jyoti Rai, thus alleged that his friends Rahul Kumar and Rohit Kumar had called the criminals for killing him.

5. The learned counsel for the petitioner submits based on the disclosure made by the victim in his statement recorded under Section 161 of the Cr.P.C., the petitioner came to be implicated. It is further submitted that the victim himself has disclosed in his statement that he along with petitioner and Rohit Kumar who are his friends were going on a scooty towards Sabalpur, which amply demonstrates that victim never had any apprehension whatsoever from petitioner and Rohit Kumar. It is next submitted that one of the assailants namely Jyoti Rai was identified by the victim. It is thus submitted that had the petitioner and Rohit Kumar would have called Jyoti Rai to commit occurrence in that event, chances were bright that if the victim was saved in that event, Jyoti Rai would be identified and the name of the petitioner would be disclosed.

6. It is thus submitted that it absolutely does not stand to reason that a person would get an occurrence committed in a manner where chances are bright that he creates evidence against himself and hence, gets implicated. It is also submitted that the



statement of Jyoti Rai was also recorded under Section 161 of the Cr.P.C. wherein he had stated that it was he along with Aman and others, who fired at the victim for the reason that victim had killed his brother in the Year 2011, for which an F.I.R. was instituted. Further, he also disclosed about the involvement of Rahul Kumar and Rohit Kumar. The learned counsel thus submits that the petitioner came to be implicated initially by the victim on suspicion and subsequently, in the statement of Jyoti Rai in his confession in police custody, which does not have any evidentiary value. The learned counsel also submits that victim himself was a criminal as Jyoti Rai in his statement has stated that it was the victim, who had killed his brother and for taking revenge, he committed the occurrence. It is next submitted that petitioner is a businessman and no businessman would bring disrepute to his business by getting involved in such an occurrence.

7. Learned A.P.P. along with learned counsel for the informant opposes the anticipatory bail application of the petitioner, but are not in a position to rebut the submission of the learned counsel for the petitioner that why the petitioner would have called Jyoti Rai, who was known to the victim and in the event, he was identified, then chances of their implication was bright hence why the petitioner would have got an occurrence committed in which chances were bright that evidence would be



created against him and thus he may get implicated. Further, the learned counsel for the informant also is not a position to rebut the submission of the learned counsel for the petitioner that the victim was involved in the murder of the brother of Jyoti Rai in the Year 2011 and the name of the petitioner subsequently came in the confession of Jyoti Rai after the victim had raised suspicion on him.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Chapra in connection with Sonapur P. S. Case No.1032 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

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