

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46524 of 2023

Arising Out of PS. Case No.-218 Year-2008 Thana- SONEPUR District- Saran

Sujan Rai S/O Late Ramjeevan Rai R/O Village- Alipur Saidpur, P.S- Sonpur,
Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53328 of 2023

Arising Out of PS. Case No.-218 Year-2008 Thana- SONEPUR District- Saran

Dina Nath Ray S/O Late Ramjeevan Ray Resident of Village- Alipur, Saidpur,
Police Station- Sonpur, Distt.- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46524 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar

(In CRIMINAL MISCELLANEOUS No. 53328 of 2023)

For the Petitioner/s : Mr.Ajay Kumar Sharma

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 11-10-2023 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

The petitioners have prayed for grant of bail in
connection with Sonpur P.S. Case No. 218 of 2008 registered
under sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.



Allegation against the petitioners along with other co-accused persons is that they came at the house of the informant and fired upon the informant's father due to which he sustained gun shot injury and later on he died.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case due to previous enmity. No specific allegation has been levelled against the petitioners. It is further submitted that no cogent material has come against the petitioners during investigation to show their complicity. Similarly situated other co-accused persons have already been granted anticipatory bail by another co-ordinate Bench of this Court vide order dt. 17.07.2023 in Cr. Misc. No 31552 of 2023.

It is further submitted by learned counsel for the petitioner that after investigation, police has submitted final report vide Final Report No. 429 of 2013 dt. 31.10.2013. Thereafter informant filed protest ~~com~~ Complaint Case No. 4325 of 2019 and accordingly, cognizance was taken against all the accused persons including the petitioner and summons were issued against all. During investigation of the case and on the basis of materials available on record, informant is found to be an accused in killing of his father and chargesheet was



submitted against him and presently informant is facing trial in S. Tr. No. 400 of 2014. Moreover, the petitioners are languishing in judicial custody for more than a year.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Sonpur P.S. Case No. 218 of 2008 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IX, Saran at Chapra.

(Sunil Kumar Panwar, J)

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