

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49853 of 2022

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

PRAMOD KUMAR @ PRAMOD RAI S/o- Krishna Rai Resident of Village
- Sherpur Chakia tola, P.S.- Maner, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemendra Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2023 Heard Mr. Hemendra Prasad Singh, learned Senior
Counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Maner P.S. Case No. 295 of 2021 for the offence registered under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant alleged that while her husband was sleeping after dinner, he received a mobile call on which Akhilesh Rai asked him to come to Sherpur, Ganga Ghat with some food for half a dozen people. She also heard the voice of Mithilesh Rai and Upendra on phone. When her husband failed to return till morning, she went in search and later came to know that he has been shot dead for transaction of money. She named a dozen people of which it has



been specifically stated that Mithilesh Rai, Akhilesh Rai and Shambhu Rai took active participation in killing her husband as told by the villagers.

Learned Senior Counsel for the petitioner submits that the lady is not an eye witness and further a dozen people have been implicated only on the basis of suspicion. It is his further submission that in any case, the allegation has been made against Mithilesh Rai, Akhilesh Rai and Shambhu Rai and he is not one of them. The last submission is that of the dozen people, Angad Kumar and Bitan Singh were also been named as accuseds and a Co-ordinate Bench have since been granted them relief vide Cr. Misc. No. 44424 of 2022 (Angad Kumar) and Cr. Misc. No. 64127 of 2021(Bitan Singh).

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that it is a case of murder of the husband of the informant and the petitioner being named accused, no relief can be granted.

Taking into account the facts that the allegation is against Mithilesh Rai, Akhilesh Rai and Shambhu Rai, the petitioner is in the column of the accused persons, similar placed accused, Angad Kumar and Bitan Singh have been



granted relief, this Court is inclined to extend him the similar relief.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of A.C.J.M., Danapur, Patna in connection with Maner P.S. Case No. 295 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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

