

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42401 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- KOILWAR District- Bhojpur

Bideshi Rai @ Amresh Kumar Rai Son of Late Rampujan Rai Resident of village- Mahadeochak Simariya, P.s- koilwar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43581 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- KOILWAR District- Bhojpur

1. Sanjay Pandey S/o- Rameshwar Adhar Pandey Resident of Village - Pachrukhiya Kalan, P.S.- Koilwar, District - Bhojpur.
2. Niraj pandey S/o- Satyendra Pandey Resident of Village - Pachrukhiya Kalan, P.S.- Koilwar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53302 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- KOILWAR District- Bhojpur

Rangi Rai Son of Chandrma Rai Resident of Village - Farna, P.S.- Barhara, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42401 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Surendra Kishore Thakur, Advocate
Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 43581 of 2022)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Amarendra Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 53302 of 2022)

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate



For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 24-02-2023 Heard Mr. Y.V. Giri, learned senior counsel for the petitioner in Cr. Misc. No. 42401 of 2022 and Mr. Y.C. Verma, learned senior counsel for the petitioner in Cr. Misc. No. 43581 of 2022 and Mr. Rajani Ranjan Prasad, learned counsel for the petitioner in Cr. Misc. No. 53302 of 2022 and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, all the named and unnamed accused persons including these petitioners started firing indiscriminately and in that course the father of the informant and one Durgesh received injury and they both died.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that altogether 26 named and 30-35 unnamed accused



persons have attacked on the father of the informant. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioners and there is no specific allegation against these petitioners. He further submits that the postmortem report shows that both the deceased have received one gun shot injury. He further submits that the allegation of indiscriminate firing against these petitioners and other accused persons shows suspicion about the motive of the informant. He further submits that according to the statement of the witnesses namely, Yugal Kishore and Mundrika Yadav they have not stated anything specific about these petitioners. He further submits that the police after investigation submitted the charge sheet against these petitioners. The petitioners, namely Bideshi Rai @ Amresh Kumar Rai is in custody since 04.06.2022, Sanjay Pandey is in custody since 25.04.2022, Niraj Pandey is in custody since 09.04.2022 and Rangi Rai is in custody since 14.04.2022. He further submits that similarly situated, co-accused persons, namely,

1) Raj Kumar Rai @ Raj Kumar Ray has been granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2022 passed in Cr. Misc. No. 25296 of 2022.



2) Arun Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 05.02.2022 passed in Cr. Misc. No. 26057 of 2022.

3) Ram Shankar Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 17621 of 2022.

4) Ajay Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 46128 of 2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners, namely, Bideshi Rai carries 17 criminal antecedents, Sanjay Pandey carries 19 criminal antecedents, Niraj Pandey carries 13 criminal antecedents and Rangi Rai carries 2 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail after framing of charge and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Koilwar P.S. Case No. 55 of 2022, subject to the following conditions:-



1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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