

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61003 of 2023

Arising Out of PS. Case No.-377 Year-2022 Thana- DIDARGANJ District- Patna

1. Raja Kumar Son of Sakaldeep Rai Resident of Village Didarganj Chekpost Ward No 72 Ps Didarganj District Patna
2. Pramod Kumar @ Pramod Rai Son of Sakaldeep Rai Resident of Village Didarganj Chekpost Ward No 72 Ps Didarganj District Patna
3. Sakaldeep Rai Son of Late Ramprit Rai Resident Of Village Didarganj Chekpost Ward No 72 Ps Didarganj District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Didarganj P.S. Case No. 377 of 2022 dated 24.12.2022 instituted for the offence punishable under Sections 25(1-B)/A/26/35 of Arms Act.

3. The prosecution case, in short, is that on 24.12.2022 at about 21.40 hrs, on receiving information, the informant along with his associates reached at the house of Vinod Rai and apprehended one person, namely, Surendra Rai @ Sulendra Kumar. On search, one loaded magazine from the



pocket of his jeans was recovered. It is alleged that he was firing indiscriminately, due to which one bullet hit the leg of Khushi Kumar, daughter of Vinod Rai, as a result she sustained injury. It is further alleged that two country made *katta* and five live cartridges hidden in *bhusa* have been recovered from the house of Vinod Rai. It is also alleged that his brother Pramod Rai took the pistol from which he was firing and fled away. On asking about the arms recovered from his house, he told that his brothers, namely, Pramod Rai, Upendra Rai, Raja Rai and his father Sakaldeep Rai knows about the same.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that allegation is against the Surendra Rai, who was apprehended at the spot. It is apparent from the First Information Report that there is allegation of indiscriminate firing against the Surendra Rai. Learned counsel for the petitioners submits that nothing has been mentioned against the petitioners except as stated by the apprehended person. Learned counsel for the petitioners submits that there is land dispute between the accused and Vinod Rai. Vinod Rai is the son of Sakaldeep Rai. It is further submitted that two F.I.R. were lodged against the same occurrence, one by police officials



and another by the wife of Vinod Rai. Learned counsel for the petitioners submits that there is no allegation against the petitioners whatsoever has been stated in the F.I.R. Lastly, it has been submitted that petitioners have two criminal cases against them. Both the cases have been lodged by the wife of Vinod Rai as well as his family members.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Didarganj P.S. Case No. 377 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Patna City subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their



bail bonds shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

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

(Khatim Reza, J)

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