

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60988 of 2023

Arising Out of PS. Case No.-256 Year-2022 Thana- SALIMPUR District- Patna

1. Mukesh Rai Son Of Jawahar Rai Resident Of Village-Satgharwa, Kala Diara, P.S.-Salimpur, District-Patna.
2. Mithun Rai Son Of Sipahi Rai Resident Of Village-Satgharwa, Kala Diara, P.S.-Salimpur, District-Patna.
3. Jatan Rai Son Of Saheb Rai Resident Of Village-Satgharwa, Kala Diara, P.S.-Salimpur, District-Patna.
4. Ratan Rai Son Of Saheb Rai Resident Of Village-Satgharwa, Kala Diara, P.S.-Salimpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, 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 Salimpur P.S. Case No. 256 of 2022 dated 22.11.2022, instituted for the offence punishable under Sections 147, 148, 149, 342, 324, 302, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on 22.11.2022 at about 07:45 am, the informant's son namely, Sonu was ready for going to school, the informant was standing near his door and saw all the accused persons surrounded his son and Sipahi



Rai and Jawahar Rai were armed with Rifles, the informant shouted and said his son to flee away but in the meantime, Sipahi Rai fired by his Rifle and the son of the informant received bullet injury on the left side of armpit. Subsequently, he fell down and he died.

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 petitioner no. 1 is the son of Jawahar Rai, petitioner no. 2 is the son of Sipahi Rai and petitioner nos. 3 and 4 are sons of Saheb Rai. It is further submitted that as per the F.I.R., Sipahi Rai fired by his rifle on the son of the informant who received the bullet injury and allegation of firing is also against co-accused namely, Jawahar Rai. Learned counsel further submitted that there is a specific allegation against Sipahi Rai, Jawahar Rai and Saheb Rai and the petitioners are sons of the abovesaid persons due to which they have been made accused in this case. It is submitted that petitioners were not present at the time of occurrence because they were working at Madurai in Chennai in a factory to earn their livelihood. It is next submitted that there is no allegation against the petitioners regarding assault or firing. Lastly, it has been submitted that the petitioners have no criminal



antecedents.

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

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 petitioner within a period of six weeks from today, in connection with Salimpur P.S. Case No. 256 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 ACJM, Barh, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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