

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71761 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- GHORASAHAN District- East
Champaran

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LALBABU RAI S/o Late Hira Rai R/o vill Lalua P.S. - Ghorasahan, Dist.
East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Adv.
For the Opposite Party/s : Mr.A.N.P.Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 18-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Ghorasahan P.S. Case No. 41 of 2021, registered for the offence punishable under Sections 147, 148, 149, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the FIR named accused persons having arrived at the house of the informant, variously armed, along with 25-30 other miscreants and then the co-accused persons, namely, Rajeshwar Rai and Kameshwar Rai, had fired gunshots on the son of the



informant, namely, Amit Lal Yadav, as also on the head of Gama Rai, resulting in death of the son of the informant, namely, Amit Lal Yadav.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 10.2.2022. It is further submitted that though the petitioner is an accused in five other criminal cases, which have all been lodged against the petitioner on account of land dispute, but the petitioner is on bail in all the said five criminal cases. It is further submitted that as far as the petitioner is concerned, there is no allegation of firing gunshots and he is having no complicity in the matter. It is further submitted that a general and omnibus allegation has been levelled against the petitioner and at best, he can be stated to be a member of the unlawful assembly.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering those available in the case diary, this Court finds that as far as the petitioner is concerned, neither he has been alleged to have fired gunshots on the deceased nor he has been stated to have indulged in any sort of specific overt act, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 41 of 2021.

(Mohit Kumar Shah, J)

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