

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66918 of 2022

Arising Out of PS. Case No.-302 Year-2022 Thana- FATUA District- Patna

SADHU RAI @ SADHU RAY Son of Late Basudev Rai @ Baso Rai R/v-
Dariyapur, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 23-03-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered u/s 341, 323, 307, 325, 337,
338, 504 read with section 34 and later on added section 302 of
the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, the petitioner and the co-
accused persons started abusing and assaulting with *lathi* and
danda, causing severe injury to the son of the informant, Anil
Kumar. On being objected, the petitioner and the co-accused



Mohan Gop and Sohan Gop started firing and the petitioner also fired which hit the hand of Pradeep Kumar Jha.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that the injury report of the Pratik Jha indicates that he received fire arm injury on his hand is simple in nature. Leaned counsel has further submitted that the injured Pradeep Kumar Jha has stated that the unknown person fired which hit the stomach of the deceased after hitting the hand of the Pradeep Kumar Jha and during the course of the treatment the deceased died but the aforesaid fact is not mentioned in the FIR. Similarly situated co-accused has already been granted bail by the co-ordinate bench *vide* order dated 01.02.2023 passed in Cr. Misc. No. 46537 of 2022. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 19.04.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the injury being simple in nature and the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees



Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna City, Patna in connection with Fatuha P.S. Case No. 302 of 2022, with the condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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

