

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63419 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- GANGABRIDGE District- Vaishali

RAM BABU RAI @ RAM BABU RAY Son of Late Jag Mohan Rai Resident
of Village - Terasiya, P.S.- Ganga Bridge, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-04-2023 Heard the parties.

The petitioner is in custody in connection with Ganga Bridge P.S. Case No. 171 of 2022 under Sections 147, 148, 149, 341, 447, 323, 326, 307, 354, 379, 504 & 506 of the Indian Penal Code and Section 27 of the Arms Act, lodged on 14.07.2022 by the informant Ranjit Kumar.

The prosecution case, in brief, is that on 13.07.2022 at about 8:15 PM., the accused persons armed with '*Hasua*', '*Farsa*', '*Sword*', '*Garasa*', country made '*Katta*' and '*Rifle*', came to the door of informant and started abusing. The informant's brother objected on which the accused Ram Babu Rai gave order to shoot him. Thereafter, Kundan Rai fired from country made '*Katta*' due to which his brother got injured and he fell down on the ground. Thereafter, the accused persons entered the house of informant and looted jewellery and cash



Rs.10,000/-. Thereafter, the accused persons fired in air and fled away. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that he has been assigned the role of order giver in the F.I.R. while the main allegation is against Kundan Rai. He further submits that irrespective of the outcome of the present case, he intends to pay Rs. 15,000/- to the injured through Demand Draft to be submitted to the concerned Court.

Learned APP opposes the prayer for bail stating that the petitioner is only the order giver.

Considering the fact that main allegation is against Kundan Rai of opening fire and further the petitioner has remained in custody since 15.07.2022 (Paragraph-6 of the petition), has no criminal antecedent and is aged about 74 years, this Court is inclined to extend him the privilege of bail. If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 171 of 2022, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Alok Verma/-

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