

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67329 of 2023

Arising Out of PS. Case No.-248 Year-2021 Thana- KESARIA District- East Champaran

BIPIN RAY @ BIPIN KUMAR @ BIPIN KUMAR YADAV Son of Late
Rambalak Ray @ Rambalak Yadav Resident of Village-Husepur
Panchrukhiya, P.S.-Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-11-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Kesariya P.S. Case No. 248 of 2021 dated 28.07.2021 registered
for the offence(s) punishable under Section(s) 302 read with 34
of the Indian Penal Code and under Section 27 of Arms Act.

3. This is second attempt of the petitioner for the
relief of regular bail after the petitioner's earlier attempt for the
same relief was rejected by this Bench vide order dated
14.02.2023 passed in Cr. Misc. No. 24218 of 2022 preferred by
this petitioner.

4. The main submissions advanced by learned counsel
for the petitioner are that petitioner has been languishing in jail



since 26.08.2021 and as per order impugned, all the material witnesses of prosecution have been examined and only official witnesses are remaining to be examined and the co-accused, Judge Rai @ Jay Rai, who is carrying similar nature of allegation, has been granted bail by a co-ordinate Bench of this court vide order passed in Cr. Misc. No. 72561 of 2022 and two other co-accused, namely, Vikash Kumar and Jailal Rai have also been granted bail by co-ordinate Benches of this court vide order passed in Cr. Misc. No. 12099 of 2022 and vide order passed in Cr. Misc. No. 65680 of 2021, who are named in the FIR. Further submission is that against the petitioner, there is one criminal case in which the petitioner has got bail and mainly on account of enmity petitioner has been implicated in the present matter and the informant simply claims to have seen the petitioner at the place of occurrence carrying a fire arm but she did not level the allegation that petitioner was the person who fired at victim.

5. Learned APP appearing for the State opposes the bail prayer.

6. Heard both the sides. Though against the petitioner there is serious allegation but considering his period of custody and also, privilege of bail having been granted to the other co-



accused persons mentioned above and the status of petitioner’s trial, as appears from impugned order, which goes to show that in the petitioner’s trial all the material prosecution witnesses have been examined, in my opinion, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named- above be released on bail in connection with Kesariya P.S. Case No. 248 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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