

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72662 of 2022

Arising Out of PS. Case No.-253 Year-2009 Thana- BUDDHACOLONY District- Patna

Kameshwar Rai, Son Of Biran Rai, Resident Of Mohalla- Pahleja Bali Tola,
P.S.- Sonapur, District- Saran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvan Kumar

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 02-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 302/34, 120(B) of the Indian Penal Code and Section
27 of the Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that the accused persons fired killing his
father, who received gunshot injury on his body and face
leading to his death. It is next alleged that Bablu Rai, Koshan
Rai, Shekhar Rai and Binod Lala were identified, who were
firing.

4. The learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case. It is next submitted that petitioner is not named in the F.I.R. and from perusal of the allegations as alleged in the F.I.R., it would manifest that the informant clearly alleges that he identified the accused, who were firing on account of which, his father died. It is also submitted that petitioner is not named in the F.I.R. and his name transpired based on confessional statement of Sarwan Ray in police custody, which does not have any evidentiary value. The learned counsel submits that the F.I.R. is of the Year 2009 and since petitioner was not named in the F.I.R., as such, he was not aware of the case even. It was only in 2022 that when the police knocked his door that he came to know about the present case and thereafter, moved for seeking anticipatory bail. It is further submitted that the investigation is still going on.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned C.J.M., Patna in connection with
Budha Colony P. S. Case No.253 of 2009, subject to the
conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

vikash/-

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

