

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73404 of 2022

Arising Out of PS. Case No.-84 Year-2020 Thana- MUSRIGHRARI District- Samastipur

MUNNA KUMAR @ MUNNA RAI @ MUNNA RAY Son of Ramlakhan
Rai @ Ramlakhan Ray R/V- Suapakara, P.S- Musarigharari, dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 01-03-2023 Heard learned Senior counsel for the petitioner and
learned counsel for the State.

The petitioner is in judicial custody in connection with S.T. No. 164 of 2021 (Arising out of Musarigharari P.S. Case No. 84 of 2020) registered under Sections 302, 307, 326, 341, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant is the father of the deceased. The informant alleged that Shashi Rai, Pawan Rai, Ravi Yadav and Kishan Kumar stopped the construction work of the road and demanded extortion. The son of the informant protested. Thereafter the accused persons were in search of the son of the informant to kill him. The son of the informant was also objecting the illegal liquor business of the accused persons. On



the date of occurrence, the accused persons including the petitioner came and made indiscriminate firing killing the son of the informant on the spot. Two persons, namely, Arvind Kumar Rai and Shankar Rai were also injured in the indiscriminate firing made by the accused persons.

The petition was filed vide Cr. Misc. No. 73404 of 2022 stating that he needs treatment and as such be released for four weeks after which he will be surrendering before the Court.

Accordingly, on 25.01.2023, the following order was passed :

“Taking into account the documents that have been annexed with the petition, this Court is inclined to released him provisionally for the period of four weeks beginning from 1st of February, 2023 and he will surrender on 1st of March, 2023 and failure to do so, the concerned Court shall take immediate steps for his arrest.

Let the petitioner be released on provisinal bail for four weeks (from 1st of February, 2023 to 28th of February, 2023) on furnishing bail bond of Rs. 20,000/- Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. IX, Samastipur in connection with S.T. No. 16 of 2021 (arising out of Musarigharari P.S. Case No. 84 of 2020), subject to following conditions:



(i) Both the bailors should be the family members of the petitioner, who shall provide official documents to show his/her bona fide.

Let the matter be taken up on 2nd of March, 2023.”

Today, on call, it has been submitted that an Interlocutory Application has been filed for extension of time for surrendering, as he is still ill.

The Interlocutory Application is rejected as he was granted provisional bail only uptill 28th of February, 2023, the petitioner should immediately surrender today, failing which the Court will take steps for his arrest.

Any medical treatment that he needs, a proper application will be filed before the concerned Court, who shall take into account the medical attention that the petitioner needs and accordingly pass an appropriate order for his shifting to any hospital, if required under judicial custody.

With the aforesaid observation, the application stands dismissed.

(Rajiv Roy, J)

Jagdish/ Kiran-

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