

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77295 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- KADAMKUAN District- Patna

RAHUL RAY @ RAHUL BANGALI SON OF ANIL RAY @ ANIL ROAY
RESIDENTS OF MOHALLA LANGAR TOLI GALI, P S- KADAMKUAN,
DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Mr. N.K. Agrawal Mr. Shyam Kr
For the Opposite Party/s	:	Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kadamkuan P.S. Case No. 50 of 2023 registered for the offences punishable under Sections 302/34 of the IPC and Section 27 of the Arms Act.

3. As per prosecution case, informant's brother is said to have hit by the pellet fired from the pistol of Bablu Shahni @ Govind Sahni. Petitioner and others are found at the place of occurrence by the informant.

4. Learned counsel for the petitioner submits that petitioner is in custody since 06.02.2023 and bears criminal



antecedent of one case which is of the year 2010 and in the said case petitioner is on bail. Learned counsel further submits that from the perusal of FIR itself, it is quite clear that no act of assaulting is attributed against the petitioner. Petitioner is merely found at the place of occurrence. He further submits that specific allegation of firing is made against co-accused Bablu Shahni @ Govind Sahni. No incriminating article has been recovered from the possession of the petitioner. He further submits that petitioner has not even made firing or assaulted the deceased. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, there is no specific overt-act of firing against the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna in connection with Kadamkuan P.S. Case No.50 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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