

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4429 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- SAHPUR District- Patna

KUNAL KUMAR S/O BACHCHA RAY R/O VILLAGE- SHANKARPUR,
P.S- SAHPUR, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sunidhi Vimal, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard Ms. Sunidhi Vimal, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Shahpur P.S. Case No. 281 of 2023 for the offence punishable under sections 147, 148, 149, 341, 302 IPC and section 27 of Arms Act lodged on 18.04.2023 by the informant, Teni Rai.

3. As per the prosecution story, the allegation is that earlier one Raju Rai was abused by the accused persons but due to intervention, the matter pacified and he went home. Later, it is alleged that Bishokh Rai, Neeraj Rai and Ashok Rai came to the house of Raju Rai on motorcycles and thereafter, Bishokh Rai opened fire which hit Raju Roy and ultimately, he succumbed to the injuries. The allegation against the other accused persons is also resorted to fire but the informant and his



family members saved themselves by running into the house.
Accordingly, the FIR.

4. Learned counsel for the petitioner submits that specific allegation is against Bishokh Rai of opening fire. The petitioner has been implicated on the confession of Ranjit Kumar who has since been granted bail in Cr. Misc. No. 64239 of 2023 on 11.10.2023 by a co-ordinate Bench of this Court.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that the specific allegation is against Bishokh Rai of opening fire on Raju Rai, his name has come in the confessional statement of Ranjit Kumar who has since been granted bail, as stated above, is in custody since 19.06.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur, in connection with Shahpur P.S. Case No. 281 of 2023 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

8. Before parting, this Court would like to put on record its word of appreciation for Ms. Sunidhi Vimal, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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