

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9275 of 2024

Arising Out of PS. Case No.-630 Year-2023 Thana- MANER District- Patna

Awadhesh Ray S/o Upendra Ray @ Gorakh Ray R/o VILLAGE - BALUA,
P.S. - MANER, DISTRICT - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate
For the Opposite Party/s	:	Mrs.Rita Verma, APP
For the informant	:	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard Mr. Rajesh Kumar Singh, learned Senior Counsel for the petitioner, Mr. Sanjeev Kumar, representing the informant as also Mrs. Rita Verma, learned APP for the State.

2. The petitioner is apprehending arrest in connection with Maner P.S. Case No. 630 of 2023 instituted under Sections 302, 34, 120(B) of the Indian Penal Code and 27 of the Arms Act lodged on 30.8.2023 by the informant, Kunal Kumar.

3. As per the prosecution story, the informant alleged that when his brother was sitting in his medical shop, due to previous land dispute, the accused persons including the named accused Jitendra Singh, Shashi Bhushan Singh and



Chandra Bhushan Singh under conspiracy sent Chunnu Rai and Bishundhari Rai @ Sipahi Jee along with 4 -5 unknown persons, pretending as buyers of medicines, entered the shop and it is alleged that while unknown persons for a medicine, Chuunu Rai and Bishundhari Rai @ Sipahi Jee resorted to indiscriminate firing causing serious injury to the informant's brother. They later, retreated. He was rushed to the Paras Hospital where the Doctor declared him dead. The reason has been assigned that the informant was having land dispute with Jitendra Singh's family for which scuffle took place earlier and Jitendra Singh, Shashi Bhushan Singh and Chandra Bhushan Singh had warned him of dire consequences. Accordingly, the FIR.

4. Learned Senior Counsel submits that though alongwith the named accused, the unknown accused persons have also been mentioned. The fact remains that the role of the unknown persons has been assigned for asking medicine while allegation of resorting to indiscriminate firing is on Chuunu Rai, Bishundhari Rai @ Sipahi Jee. He submits that Ashish who had purchased the land along with the deceased from the Jitendra Singh may have a role to play on it and subsequently, upon arrest, he named this petitioner which



resulted into his implication in this case.

5. Learned counsel appearing on behalf of the informant submits that multiple gun shot injuries have been found on the person of the deceased and the FIR itself shows that beside the named accused, the other unknown accuseds have also been recorded in the allegation part.

6. Learned APP opposes the version of the learned counsel for the informant.

7. Having gone through the FIR as also the submissions put forward by the parties, the allegation of indiscriminate firing has been attributed to Chuunu Rai and Bishundhari Rai @ Sipahi Jee. The role of an unknown accused who went along with the named accused in the shop is limited to asking for the medicine. Though, the petitioner has been named by Ashish, (an accused who may be the reason behind the said killing, he having the land dispute with the deceased) for the purpose of considering the anticipatory bail, this Court deems it fit and proper that the petitioner deserve relief, in the background of the fact that he has clean antecedent, and is accordingly inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event



of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with ... Maner P.S. Case No. 630 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Danapur, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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.

(Rajiv Roy, J)

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