

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15789 of 2024

Arising Out of PS. Case No.-99 Year-2005 Thana- VISHAMBHARPUR District- Gopalganj

Pintu Rai @ Durga Thakur Son of Late Shankar Thakur Resident of Village-
Barnaiya, P.S.- Gopalpur, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr.Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 29-04-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Vishambharpur P.S. Case No. 99 of 2005 dated 26.12.2005 registered for the offences punishable u/ss 302, 120B read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant along with his brother went to the market on motorcycle while returning, the informant dropped his brother near Bhatwa More. Thereafter, the informant came back after filling of fuel in his motorcycle, he did not find his brother there, he started going to his home and in the meanwhile, he got information that his brother sustained gunshot injury at Jamunia More. When the informant reached the place of occurrence and he saw that his brother sustained gun shot injury and



he was dead. Thereafter, the informant came to know that four persons on two motorcycles armed with deadly weapon had come and killed his brother by firearm. It is further alleged that prior to one month of the occurrence, the accused persons had committed *marpit* with the informant and his brother (deceased) and had threatened to kill.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused, Pappu Srivastava after 13 years of the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. The co-accused person has already been granted regular bail by the Coordinate Bench of this court vide order dated 11.12.2018 passed in Cr. Misc. No. 72189 of 2018. The charge-sheet has already been submitted against the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has five criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 10.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of



Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gopalganj in connection with Vishambharpur P.S. Case No. 99 of 2005, with the condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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