

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33320 of 2024

Arising Out of PS. Case No.-996 Year-2023 Thana- DIGHA District- Patna

Ashok Ray SON OF Late Dirpal Rai RESIDENT OF VILLAGE- NAKTA
DIYARA, PS- DIGHA, DIST- PATNA Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramswarup Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Digha P.S. Case No. 996 of 2023 instituted under Sections 307, 341, 325, 504, 506/34 of the Indian Penal Code and section 27 of the Arms Act lodged on 31.12.2023 by the informant, Kameshwar Rai.

3. As per the prosecution story, the informant who lodged the FIR in the emergency ward of Patna Medical College and Hospital alleged that his father died on 4th July, 2023 and there was dispute between the brothers on the issue of performing of the 'Sharadh'. It is further alleged that when it was being done on 30.12.2023, the family members of the brothers assembled and thereafter, firstly he was abused and later, Mithilesh and Subodh opened fire causing injury to his son, Vikash Kumar on his chest as also thigh of Deepak who was there to attend the 'Sharadh'. They resorted to indiscriminate



firing which followed the FIR.

4. Learned counsel for the petitioner that a bare perusal of the FIR would show that specific allegation is against Mithilesh and Subodh of opening firing on his son Vikash Kumar as also on Deepak. Though, presence of this petitioner has been shown, no role attributed.

5. Learned APP opposes the prayer submitting that despite being own brother, he was causing hindrance in the 'Sharadh' and unnecessary the dispute arose which led to opening of fire and injuring two innocent persons.

Though, in the 'Sharadh' of father both the petitioner and the informant, the episode happened, the allegation is against Mithilesh and Subodh, no overt act attributed to this petitioner, this Court is inclined to extend him the 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 Digha P.S. Case No. 996 of 2023 to the satisfaction of learned A.C.J.M.-XIII, 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/relative 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 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.

(Rajiv Roy, J)

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