

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53589 of 2024

Arising Out of PS. Case No.-336 Year-2016 Thana- PIRO District- Bhojpur

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Pramod Rai @ Jangali Rai Son of Late Suryabansh Rai Resident of Vill-
Deochanda, P.S.- Piro, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Piro P.S. Case No. 336/2016 for the offence registered under Sections 302, 385, 387, 449 and 460/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 17.11.2016 while she was in her room and her son Ujwal was playing game on his mobile in another room, the named accused persons including the petitioner at 5:15 P.M. alongwith 3-4 unknown accused came and entered in the house and went in the room of her son and shot him on his chest killing him. On hearing fire arm shot, informant went to the



room of her son and saw Shashi Bhushan and Pramod Rai @ Jangli Rai (the petitioner herein) carrying her son and threatened to leave the dispute relating to land and also to withdraw the case of mother of her husband, hence she started crying when villagers gathered and the accused fled away.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the instant case by the informant. It is next submitted that petitioner was brutally assaulted by criminal on 19.11.2017 and has sustained fire arm injury on head on account of which he has been suffering from Paralysis and his wife had lodged Charpokhri P.S. Case NO. 264 of 2017 and the petitioner was treated head injury at P.M.C.H. It is next submitted that no doubt the present occurrence is prior to the occurrence committed with the petitioner but then the police after threadbare investigation came to a considered conclusion that the petitioner is innocent and thus, submitted final Form No. 16/2018 dated 10.03.2018 (Annexure-2) exonerating the petitioner of the allegation. It is next submitted that when one investigating agency after threadbare investigation came to a considered conclusion that the petitioner is innocent whether it would be prudent for the court to send the petitioner to jail based on an order of



cognizance which came to be taken based on the same investigation report which exonerated the petitioner of the allegations.

5. Learned APP appearing on behalf of the State opposes the prayer for bail.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro P.S. Case No. 336 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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