

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64482 of 2024

Arising Out of PS. Case No.-94 Year-1999 Thana- PHULWARIA District- Begusarai

-
1. Devendra Rai Son of Late Chattish Ray @ Chatish Ray R/o Village-Mushari, Vishhar Ashthan, (Vishahar Sthan), Ward No.10, P.S.- Fulwaria (Phulwaria), District- Begusarai
 2. Vishwanath Rai Son of Late Chattish Ray @ Chatish Ray R/o Village-Mushari, Vishhar Ashthan, (Vishahar Sthan), Ward No.10, P.S.- Fulwaria (Phulwaria), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sandip Kumar Gautam
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioners as well as learned APP for the State.

2. In this case, the petitioners are seeking regular bail in connection with Phulwariya (Phulwaria) P.S. Case No. 94 of 1999, registered for the offences punishable under Sections 147, 148, 149, 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation, the informant, in his *fardbeyan*, alleged that on 02.11.1999, one Chhatish Rai had arrived at his house and called his son and went outside stating that some persons were searching him. The informant further alleged that



after lapse of sometime, on hearing the sound of *hulla*, the informant came outside from the house and saw that his co-villager and the petitioners had surrounded his son and all of them were abusing him. The informant has further alleged that Chhatish Rai was armed with *lathi*, *danda* and Deoram Rai was armed with pistol and all the accused persons were giving threat to kill the informant and his son along with entire family members. He further alleged that when he came forward to save the life of his son, then Chhatish Rai ordered the accused persons to kill him and his son. Thereafter, Deoram Rai shot fired upon the son of the informant over his head and abdomen. Thereafter, son of the informant fell down on the ground and thereafter, he died.

4. The learned counsel for the petitioners has submitted that the petitioners are neither the order giver nor the assailant. The order giver is co-accused, Chhatish Rai and the main assailant is Deoram Rai. Further submission is that no material emerged during course of investigation, as such, the police submitted final form. It has also been submitted that the cognizance was taken after 22 years of lodging of the F.I.R. The petitioners were not aware of the case and they are in custody since 12.06.2024.



5. Considering the above-mentioned facts and circumstances, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Teghra, Begusarai in connection with Phulwariya (Phulwaria) P.S. Case No. 94 of 1999, subject to the following condition:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Nawneet Kumar Pandey, J)

Guddu/-

U		T	
---	--	---	--

