

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65907 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- Pahelja P.S. District- Saran

Rakesh Rai S/o Paras Rai Resident of Village- Chitarchak, Police Station-
Pahleja Ghat, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Kashyap, Adv.
Mr. Nawnit Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-11-2024 Heard Mr. Shashank Kashyap, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Pahleja Ghat P.S. Case No. 67 of 2024 for the offences punishable under Sections 147, 148, 149, 452, 380, 302 and 506 of the Indian Penal Code and 27 of Arms Act, lodged on 08.06.2024 by the informant, Pramod Kumar.

3. As per the prosecution story, the informant alleged that he heard the sound of gun shot, came out and saw the named accused including this petitioner, taking the belongings from the house of Sunaina Devi including her buffaloes. Further allegation is that as she ran to save her buffaloes, Ranjan Rai, Rajesh Rai and Pankaj Rai opened fire from country made pistol



causing her death immediately. This led to the FIR.

4. Learned counsel for the petitioner submits that though his name has been cropped up in the FIR, allegation mainly is against Ranjan Rai, Rajesh Rai and Pankaj Rai who opened fire causing her death. He do not have criminal antecedent and is in custody since 09.06.2024.

5. In this case, the Co-ordinate Bench had called for the case diary which is on record and as per paragraph 67, there has been fight between Pramod Rai and the husband of the deceased, Amod Rai and due to enmity, even innocent persons, who are studying in Patna, have been incorporated.

6. Moving on to the facts of the case as also the materials on record, admittedly, specific allegation is against Ranjan Rai, Rajesh Rai and Pankaj Rai, this petitioner is amongst the list of accused without any role attributed to him, is in custody since 08.06.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra in connection with Pahleja Ghat P.S. Case



No. 67 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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