

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72688 of 2024**

Arising Out of PS. Case No.-197 Year-2024 Thana- SAHPUR District- Patna

Shiv Ray S/O Late Amarlok Rai @ Amar Nath Rai R/O Village- Shankarpur  
Dera, P.S.- Shahpur, District- Patna. At Present House No. 43, Road No.8,  
Gandhi Murti, East Patel Nagar Phulwari, Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nisha

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      29-10-2024                      Heard learned counsel for the petitioner, informant  
and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case  
registered for the offence punishable under Sections 302, 34 of  
the Indian Penal Code and Section 27 of the Arms Act.

3. Petitioner along with other accused persons are said  
to have fired upon the brother of the informant due to which he  
died.

4. Learned counsel for the petitioner submits that  
the petitioner is innocent and has been falsely implicated in this  
case. He submits that the petitioner is the member of unlawful  
assembly. He submits that there is specific allegation against co-  
accused Nitish Kumar who fired upon the brother of the  
informant. He submits that there is no specific overt act against



the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and informant oppose the prayer for bail and submit that the anticipatory bail application of the similarly situated co-accused has already been rejected by a coordinate Bench of this Court vide order dated 03.10.2024 in Cr. Misc. No. 66909 of 2024. They submit that the process of Sections 82 and 83 of the Cr.P.C. has been issued against the petitioner.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shahpur P.S. Case No. 197 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned court below shall verify the fact that the process of Sections 82 and 83 has been issued or



not and if issued the bail bonds of the petitioner shall not be  
accepted.

**(Anjani Kumar Sharan, J)**

devendra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

