

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72589 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- Pahelja P.S. District- Saran

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1. Ajit Kumar S/o- Ravindra Rai @ Ravindra Ray Resident Of Village-Parmanandpur, Ps -Sonepur, Dist- Saran at Chapra
 2. Shailesh Kumar Son of Ravindra Rai @ Ravindra Ray Resident Of Village-Parmanandpur, Ps -Sonepur, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-10-2024 Heard Mr. Bindhyachal Singh, learned Senior
counsel for the petitioners, Mr. Anil Kumar Singh, learned
counsel appearing on behalf of informant and the State.

2. The petitioners are in custody in connection with
Pahleja P.S. Case No. 66 of 2024 for the offence under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms
Act, lodged on 07.06.2024 by the informant, Pankaj Kumar.

3. As per the prosecution story, the informant alleged
that his brother had gone to feed cattle and on return journey
near Pahleja village, accused persons surrounded and allegation
is that the sons of Ravindra Rai namely, Sanjit Kumar, Ajit
Kumar (petitioner no.1) and Shailesh Kumar (petitioner no.2)



beside other accused persons namely, Shailesh Rai, Indrajeet Kumar @Karu Rai, Suraj Singh, Amir Rai, Arun Kumar, Dhanu Kumar, Suman Kumar, Prince Kumar, Chandrabhusan Rai surrounded and abused. Further allegation is that upon the order of Suraj Singh to shoot him, Indrajeet Kumar, Arun Kumar and Prince Kumar caught hold of him and it is alleged that Sujit Kumar opened fire causing injury to his brother. They further assaulted the informant. On alarm, the other persons came and the injured was taken to Sonapur hospital but he succumbed to injury. Accordingly, the FIR.

4. Learned Senior counsel for the petitioners submits that admittedly, the accusation is against Sujit Kumar of having opened fire causing death of the informant's brother. Further allegation is against Suraj Kumar of being an order giver and Indrajeet Kumar, Arun Kumar and Prince Kumar who put him off from the motorcycle. So far as these petitioners are concerned, omnibus allegation of surrounding and abusing him/her are there. It is his further submission that although the police had submitted final form, subsequently cognizance has been taken and they are in custody since 08.06.2024 (para-22 of the petition).

5. Learned counsel for the informant, on the other



hand, submits that with common intention they have surrounded the informant's brother and ultimately, he was killed. He has such opposes the prayer of bail.

6. Accusation is/are there, mainly it is against Sujit Kumar of having opened fire which killed the informant's brother, against these petitioners there is omnibus allegation, no specific allegation of assault/opening fire is there, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Pahleja P.S. Case No. 66 of 2024 subject to the following conditions:

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

(ii) the petitioners shall appear on each and every date before the Trial Court and the failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance;

(iv) the petitioners 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 bail bonds.

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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