

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77625 of 2023

Arising Out of PS. Case No.-471 Year-2023 Thana- SAHPUR District- Patna

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SUNDAR RAI, SON OF DEVANANDAN RAY, RESIDENT OF VILLAGE-
MADHOPUR, P.S.- SHAHPUR, DISTRICT- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s	:	Ms. Rina Sinha, APP
For the Informant	:	Mr. Rajiva Ranjan, Advocate
		Mr. Dhiraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 07-03-2024 1. Heard learned Senior counsel for the petitioner, learned APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for grant of regular bail in connection with Shahpur P.S. Case no. 471 of 2023 registered under sections 302, 148, 342 and 326 of the Indian Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, the informant states that the five named accused persons including the petitioner herein came variously armed. It is further stated that on the orders of Nitish Kumar, the petitioner herein fired hitting the son of the informant in his leg as a result of which he fell down. Thereafter, it is stated that Nitish Kumar and Govind Rai resorted to firing hitting the son of the informant in his head as a



result of which he died.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case. Referring to the contents of the postmortem report it is submitted that no firearm injury has been found on the leg of the deceased thus falsifying the allegation so far as this petitioner is concerned. The petitioner is in custody since 17.7.2023 and charge-sheet has been submitted in the case. He undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the FIR but there is specific allegation against him of having resorted to firing hitting the son of the informant in his leg. The allegations are substantiated from the contents of the inquest report which also find mention in the order of the learned trial Court in which, corresponding firearm injury has been found on the leg of the deceased.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, there being no corresponding injury as is evident from the postmortem together with the petitioner having remained in



custody for 7 months since 17.7.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Shahpur P.S. Case no.471 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist, Danapur at Patna on the following conditions:-

(I) The petitioner shall remain properly represented in the trial court on each date of the case/trial and shall cooperate in the trial.

(II) In case, the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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