

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.443 of 2024

Arising Out of PS. Case No.-313 Year-2022 Thana- BIHIA District- Bhojpur

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GOLU RAI S/O RAM PRAYAG RAI R/O VILLAGE- SUNDARPUR
BARJA P.S.BIHIYA, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP
For the informant	:	Mr. Bhaskar Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard Mr. Ravindra Kumar, learned counsel for the petitioner, Mr. Bhaskar Shankar who represents the informant as also Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is apprehending arrest in connection with Bihiya P.S. Case No. 313 of 2022 instituted under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code lodged on 16.11.2022 by the informant, Rahul Kumar Rai.

3. As per the prosecution story, the informant has alleged that when his father was ploughing the land, the accused persons armed variously, arrived at the place and further Krishna Rai, Radha Mohan Rai and Niraj Rai resorted to indiscriminate firing which proved fatal inasmuch as his father subsequently died of the injury. The other family members of



the informant were also injured. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is young boy, entire family members have been implicated, role of having armed with iron and wooden rod has been assigned to him but the allegation of assault is missing which is specific to Krishna Rai, Radha Mohan Rai and Niraj Rai. He has also taken this Court to the post mortem report to show that the injury on the person of the dead body were from pellets and not hard blunt substance.

5. Mr. Bhasker Shankar on the other hand has taken this Court to the injury report of Vikash Kumar Rai to show that he has received injury from hard and blunt substance though no opinion has been given and the same has been reserved.

6. Learned counsel for the petitioner in turn submits that only to implicate him, a role has been assigned of having rod in his hand, the allegation of assault is missing. It is his further submission that the petitioner is ready to abide by all the terms and conditions, if he is granted relief.

7. Learned APP also opposes the prayer for bail.

8. Taking into account the submissions put forward by the parties as also the fact that though allegation of having armed variously is assigned to him, specific role has been



assigned to Krishna Rai, Radha Mohan Rai and Niraj Rai and it was indiscriminate firing by them which led to the death of the informant's father. Though there is injury to Vikash Kumar Rai, the opinion has been reserved and it is not the case of the informant that the injury suffered by Vikash Kumar Rai has been specifically attributed to this petitioner.

9. Taking into account the said facts as also he is 19 years old, as per the learned counsel for the petitioner, he is a student, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Bihiya P.S. Case No. 313 of 2022 to the satisfaction of learned learned Additional Chief Judicial Magistrate-V, Bhojpur, Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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



(ii) the petitioner shall appear on each and every date before the Trial Court and 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner 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 the bail bonds;

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

(Rajiv Roy, J)

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