

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12156 of 2025

Arising Out of PS. Case No.-339 Year-2024 Thana- BAKHTIYARPUR District- Patna

Gauri Rai @ Gauri Ray S/O Late Sakaldeep Rai R/O Village- Naya tola
Bariyarpur, P.S- Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Adv.
	:	Ms. Soni Kumar, Adv.
	:	Mr. Yashpal Yadav, Adv.
	:	Mr. Amrit Lal, Adv.
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, App.
For the Informant	:	Mr. Tej Narayan Singh, Adv.
	:	Ms. Minu Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 06-08-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out
of Bakhtiyarpur Police Station Case No. 339 of 2024, dated
13.06.2024, disclosing offences under Section 147, 148, 149,
302, 120(B) of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per the prosecution case on 12.06.2024 at 4:15
pm, the informant saw that co-accused persons namely Viru Rai
and Pankaj Kumar were abusing the son of the informant near
the house of co-accused Gauri Rai. The co-accused Neeraj Rai
and his brother were holding the hand of the informant's son.



When the informant intervened to save his son, the petitioner fired upon the chest of the informant's son due to which he died.

4. Mr. Dharendra Kumar Sinha, learned counsel appearing for the petitioner, submits that the petitioner has falsely been implicated in this case due to previous enmity. The deceased Dipak Kumar was caught red-handed with loaded country-made pistol with live cartridges on 18.03.2018, in which petitioner's son Suraj Kumar is a seizure list witness regarding which Bhaktiyarpur PS Case No. 26 of 2018, dated 18.03.2018 has been lodged. The deceased is also accused in Rail Thana Bhaktiyarpur PS Case No. 23 of 2018 registered under Sections 379, 341, 323, 414, 34 of the IPC. He was also accused in Rail Thana Bhaktiyarpur PS Case No. 81 of 2023 registered under sections 395, 397 of the IPC and Section 27 of the Arms Act. The deceased was accused in Rail Thana Bhaktiyarpur PS Case No. 26 of 2018 registered under sections 353, 307, 34 of the IPC and Sections 25(1-b)a, 26 of the Arms Act. In another case, the deceased was an accused in Rail Thana Bhaktiyarpur PS Case No. 82 of 2023 registered under Sections 25(1-b)a, 26, 35 of the Arms Act.

5. He further submits that the occurrence took place on 12.06.2024 at about 4.15 p.m. The inquest report of dead



body of the deceased was prepared by the police on 12.06.2024 at about 5.30 p.m. in which the witness to the inquest report were two brothers of the informant. In the FIR, it has been alleged that when the petitioner fired upon the deceased, he ran towards the house of Vijendra Rai alias Pakauri Rai and fell down near the door of Pakauri Rai. Whereas, in the inquest report, the police has found the dead body of the deceased in the middle of NH-30, Bariyarpur Road. The NH-30 is far away from the house of Vijendra Rai alias Pakauri Rai which is situated in the village. It has further been submitted that post-mortem of the dead body of the deceased was conducted on 13.06.2024 at 12.30 a.m. Thereafter, the typed FIR was submitted by the informant on 13.06.2024 at 1:20 a.m. and the police registered the FIR on 13.06.2024 against the petitioner and others. The lodging of the FIR after preparation of the inquest report and the post-mortem report casts a doubt over the prosecution story.

6. The petitioner is in custody since 26.07.2024 i.e. for about more than a year and the charge sheet has been submitted and the trial is going on. There is no likelihood that the petitioner will abscond or tamper with the evidence. The co-accused and son of the petitioner Niraj Kumar has been granted



regular bail by this court on the ground that FIR was registered after inquest report and post-mortem examination report.

7. On the other hand, learned counsel for the Informant vehemently opposes the prayer for bail and submits that the petitioner is the main assailant as per the allegation made in the FIR. The petitioner is having criminal antecedents of three cases. The petitioner, if released, on bail may threaten and intimidate the witnesses.

8. I have heard learned counsel for the parties and have gone through the materials available on record. It is true that the FIR has been lodged after preparation of inquest report and the post-mortem report. The co-accused Niraj Kumar has been granted bail on the ground that the FIR was registered after inquest and post-mortem report. The petitioner is in custody for about more than a year and as per the report submitted by the Trial Court, out of six witnesses, three have been examined and the remaining three witnesses are I.O., doctor and private witness.

9. Considering the aforesaid that the FIR has been lodged after preparation of inquest and post-mortem report. The co-accused Niraj Kumar has been granted bail on same ground and further taking into consideration the period of custody of the



petitioner, accordingly, I am inclined to grant regular bail to the petitioner.

10. This application is, accordingly, allowed.

11. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Additional Sessions Judge-VI, Barh, in connection to the Bakhtiyarpur Police Station Case No. 339 of 2024, dated 13.06.2024

12. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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