

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13151 of 2025**

Arising Out of PS. Case No.-76 Year-2023 Thana- NADI P.S. District- Patna

Ram Pravesh Ray @ Nirala @ Ram Pravesh Nirala, (Male), aged about 50 years, Son of Late Sitab Lal Rai @ Late Sital Rai, R/o - Jethuli, P.S - Nadi, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                                                                       |
|--------------------|---|-----------------------------------------------------------------------|
| For the Petitioner | : | Mr. Rajesh Kumar Singh, Sr. Advocate and Mr. Jitendra Kumar, Advocate |
| For the Informant  | : | Mr. Dharendra Kumar Sinha, Advocate                                   |
| For the State      | : | Mr. Dr. Kumar Uday Pratap, A.P.P.                                     |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

4      06-05-2025                      Heard learned senior counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Nadi P.S. Case No. 76 of 2023 dated 20.02.2023 registered for the offences punishable under Sections 147, 148, 149, 342, 448, 302, 307, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 19.02.2023 at about 11.00 A.M., while the informant's nephew, namely, Bittu Kumar, was going towards his home from his four wheeler, the people of the co-accused Ramesh Rai obstructed his way by



putting stones, chips and sand. They do illegal business of sand on the direction of the co-accused Ramesh Rai. His nephew requested the co-accused Ramesh Rai and Satish Rai @ Bachha Rai to remove the obstruction. Bachha Rai and his family members, who are notorious, got violent and on the order of the co-accused Umesh Rai, who is the mafia of land and ganja, 30 named and 15-20 unknown accused persons started firing indiscriminately from rifle, pistol and country made katta. His nephew anyhow escaped, then, these people attacked his house. The co-accused Umesh Rai said that Chanarik and Munarik's families always cause trouble in our work and exhausted to kill the entire family. In the meantime, the co-accused Umesh Rai, Bachha Rai, Satyendra Rai, Ram Pravesh Rai (petitioner) and their family members, with an intention to kill, started firing due to that, Gautam Kumar, Raushan Kumar, Nagendra Rai, Munarik Rai and Chanarik Rai sustained bullet injuries. Having been shot, Gautam Kumar and Raushan Kumar died on the same day and Munarik Rai died the next day in course of treatment at P.M.C.H., Patna. Nagendra Rai and Chanarik Rai are still under treatment at P.M.C.H., Patna and struggling for their lives.

4. Learned senior counsel for the petitioner has



submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation has been made against the petitioner and other co-accused persons. It is further submitted that prior to the present case, the officer-in-charge of Nadi Police Station had lodged Nadi P.S. Case No. 74/2023 against Goldei @ Gaurab Yadav and others and investigation has been started, Nadi P.S. Case No. 75 of 2023 has been lodged against the present informant and others and Nadi P.S. Case No. 78 of 2023 has been lodged against the family members of the informant and others. There is no specific allegation against the petitioner. It is further submitted that from perusal of the paragraph nos. 78 and 79 of the supplementary case diary, it appears that the witnesses in their statement recorded under Section 161 of the Cr.P.C., have stated that the petitioner fired on Nagendra Rai and the doctor has examined Nagendra Rai and found simple injury on his body. It is further submitted that other co-accused persons, namely, Aman Raj, Vijay Kumar @ Abhishek, Baldeo Singh and Bachcha Rai @ Satish Kumar @ Satish Singh have already been granted bail by the Co-ordinate Benches of this Court in Cr. Misc. No. 49321 of 2023 vide order dated 11.10.2023, Cr. Misc. No. 55258 of 2023 vide order dated 28.11.2023 and Cr. Misc.



No. 79482 of 2023 vide order dated 27.03.2024 and Cr. Misc. No. 9446 of 2024 vide order dated 27.03.2024 respectively. It is further submitted that the informant travelled to Hon'ble Supreme Court against the order dated 27.03.2024 passed in Cr. Misc. No. 9446 of 2024, vide S.L.P (Criminal) Diary No(s) No. 19402 of 2024 but the Hon'ble Supreme Court has been pleased to dismiss the same on 22.11.2024. It is further submitted that the case of the petitioner is similar to that of the other co-accused Bachcha Rai @ Satish Kumar @ Satish Singh. It is further submitted that prior to the present case, two F.I.Rs., i.e., Nadi P.S. Case Nos.74 of 2023 and 75 of 2023 have been lodged for the same occurrence and investigation was going on but surprisingly, on the basis of the fardbeyan of Dilip Kumar, a separate case, Nadi P.S. Case No. 76 of 2023 i.e., the present case, has been lodged against the petitioner and others. It is further submitted that as per the F.I.R., the informant is not an eye witness to the alleged offence. The petitioner was not present at the place of occurrence. It is also relevant to mention here that the petitioner had filed a bail application in the court of learned Additional District and Sessions Judge-IV, Patna City, on 07.04.2025 but later on, learned counsel for the petitioner had filed a petition on 01.05.2025 before the learned court



below for withdrawal of the said bail application. It is submitted that no case under Section 302 of the I.P.C. is made out against the petitioner. The petitioner has four criminal antecedents and in three cases, he is on bail. The petitioner is in custody since 13.07.2024 in this case. It is further submitted that the trial has not yet commenced.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant has further submitted that there is specific allegation against the petitioner of firing on Nagendra Rai causing injury to him. He further refers paragraph nos. 75 and 76 of SIT report which suggests that nature of injury of Nagendra Rai found to be grievous. It is further submitted that the prayer for bail of other co-accused persons, namely, Aryan Kumar and Akhilesh Kumar who were also named in the F.I.R., have already been rejected by the Co-ordinate Bench of this Court in Cr. Misc. No. 83171 of 2024 vide order dated 18.12.2024. It is further submitted that the petitioner is also accused in Nadi P.S. Case No. 185 of 2024 in which he has been absconding.

6. Considering the aforesaid facts and circumstances of the case and the period of custody, the petitioner, above



named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. F.C., Patna City in connection with Nadi P.S. Case No. 76 of 2023 with further conditions:-

- I One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.
- II The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.
- III. The petitioner is directed to co-operate in the trial.
- IV. If the petitioner is found involved in similar nature of offence, his bail bonds are liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

