

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24055 of 2025

Arising Out of PS. Case No.-197 Year-2024 Thana- SAHPUR District- Patna

Sundar Ray S/o Devnandan Ray R/o Village- Madhopur, P.S.- Shahpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.
For the Opposite Party/s : Mr. Bharat Lal, APP
For the informant : Mr. Dheeraj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 13-08-2025 Heard learned counsel for the petitioner, State as also
the informant.

2. The petitioner is in custody in connection with
Shahpur P.S. Case No. 197 of 2024 for the offence punishable
under sections 302, 34 of the Indian Penal Code and Section 27 of
the Arms Act lodged on 11.06.2024 by the informant, Dudhnath
Rai.

3. As per the prosecution story, the informant alleged
that while his brother was at the house of Harinandan Ray, on a
motorcycle, accused persons, namely, Nitish Kumar, Sundar Ray
(petitioner herein), Santosh Ray and Shiv Ray came and thereafter
Nitish Kumar opened fire. Two bullets pierced the body of his
brother who succumbed to the injuries. The accused escaped on
the arrival of the villagers. This led to the FIR.

4. Learned counsel for the petitioner submits that the
short FIR clearly shows that to implicate them, they have been



shown as accomplice to Nitish Kumar. Specific allegation is against Nitish Kumar of having opened fire causing their death.

5. Learned counsel representing the informant, on the other hand, submits that the entire criminal antecedent record has not been made available in the paragraph 3 which comes in the category of suppression of fact.

6. Learned counsel for the petitioner submits that due to fault on the part of the *pairavikar*, the petitioner may not suffer, he has remained in custody since 19.12.2024 and one similar situate, Santosh Rai has been extended bail by the Co-ordinate Bench in Cr. Misc. No. 20945 of 2025.

7. Let the same be kept on record.

8. Though the action of the petitioner/*pairavikar* in suppressing one criminal antecedent is deprecable and can be a good reason for rejecting the bail application, taking into account the fact that he has remained in custody since 19.12.2024, Nitish Kumar is the main assailant, one of the similar placed co-accused, Santosh Rai has been extended relief, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner 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 S.D.J.M. Danapur,



Patna in connection with Shahpur P.S. Case No. 197 of 2024
subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

(v) 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)

Vijay Singh/-

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