

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85426 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- DIGHA District- Patna

1. Govinda Kumar @ Govida Kumar, aged about 25 years, Male, S/O Biraju Ray @ Birju Rai, Resident of Digha Polson Road, P.S.- Digha, District-Patna
2. Abhishek Kumar, aged about 22 years, Male, S/O Biraju Ray @ Birju Rai, Resident of Digha Polson Road, P.S.- Digha, District-Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party	:	Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 17-04-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Digha P.S. Case No. 293 of 2024 dated 16.05.2024 registered for the offences punishable under Sections 307 read with Section 34, 120B of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 15.05.2025 at about 8.50 P.M., the petitioners and other co-accused persons are alleged to have fired on the informant but anyhow, he saved his life. The reason behind the occurrence is that on 10.03.2018, due to non-fulfilment of demand of ransom, Sunny Rai and his father Nakat Rai had committed murder of the father of the



informant for which they are in jail custody and in which case the informant is a witness. It is further alleged that in the year 2022, the aforesaid accused persons had also made firing on him. The informant has suspected that on the direction of Sunny Rai and his father Nakat Rai, the accused persons fired on the informant.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that no incriminating article has been recovered from the possession of the petitioners. It is further submitted that as a matter of fact the informant obtained the signature of the petitioners on a plain paper which has been used as a seizure memo in the present case. It is further submitted that the alleged occurrence took place on 15.05.2024 as to when the F.I.R. has been lodged on 21.05.2024 and the delay in lodging the F.I.R. has not been explained by the prosecution. There is no specific allegation of firing on the informant against the petitioners. There is no eye witness to the alleged occurrence. They have no concern with the alleged offence. It is further submitted that the other co-accused persons, namely, Ravi Kumar @ Ravi Raj and Raushan Kumar have already been granted anticipatory bail and regular bail by



another Co-ordinate Bench of this Court vide Cr. Misc. No. 64429 2024 under order dated 17.10.2024 and Cr. Misc. No. 70667 of 2024 under order dated 22.11.2024 respectively, annexed as Annexures- P/2 and P/3 to the present bail application. The petitioners have one criminal antecedent in which they are on bail as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 01.07.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Patna in connection with Digha P.S. Case No. 293 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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