

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86194 of 2024

Arising Out of PS. Case No.-336 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Jawahir Rai @ Jawahar Rai @ Jawahir Kumar S/o Dukhit Rai R/o - Maithwaliya, P.S - Chhapra Muffasil, District - Saran
2. Pashuram Rai @ Parsuram Rai S/o Late Ram Chandra Rai R/o - Maithwaliya, P.S - Chhapra Muffasil, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C.Verma Sr, Adv
		Mr. Ghanshyam Tiwary, Adv
For the Opposite Party/s :		Mr.Shantanu Kumar, APP
For the Informant		Mr. Jeetendra

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 24-06-2025 Heard learned senior counsel for the petitioners, learned counsel for the Informant and learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

3. At the outset, learned senior counsel for the petitioners seeks permission to withdraw the application on behalf of petitioner no. 1, namely, Jawahir Rai, with liberty to surrender and approach the learned court below for grant of regular bail.

4. The application on behalf of the petitioner no. 1 is permitted to be withdrawn. The petition only survives against the petitioner no. 2.



5. Learned senior counsel for the petitioner submits that as per the FIR, there is general and omnibus allegation against the petitioner no.2 that he along with others had intercepted the brother and nephew of the informant. However, it has been contended that there is specific allegation of opening fire on four accused persons, petitioner no. 2, not being one of them. Further contention is that there was actually a dispute between Dhananjay Rai and Pankaj Kumar, and the said Pankaj Kumar had threatened Dhananjay Rai to take revenge of previous dispute. After investigation, the police submitted charge sheet on 09.09.2024 against two of the accused persons namely, Vijay Rai and Ravi Shankar Rai and the case was not found true against some of the other accused persons including the petitioner no. 2. The said charge sheet has been brought on record by way of Annexure-2 to the application.

6. The attention of the court has also been invited to paragraphs 152, 153, 161 and 163 of the case diary containing the statements of witnesses imputing allegations on co-accused Ravi Shankar Rai and Vijay Rai of having motive to commit the crime and have stated that some of the other accused persons, including the present petitioner no.2, have been falsely implicated in the present case. It has also been submitted that



the name of petitioner no. 2 has not surfaced in the confessional statement of the co-accused Pankaj Kumar and Ravi Shankar, whose statements have been recorded in paragraphs 136 and 156 of the case diary, while they have taken the name of other accused persons and hence, petitioner no.2 was not sent up as no sufficient evidence against him was found in course of investigation.

7. Learned counsel for the Informant however opposes the grant of anticipatory bail on the ground that two persons have been done to death and the name of the petitioner also features in the FIR. However, neither the learned counsel for the State nor the Informant is in a position to point out the fact that there is any specific allegation against the petitioner no. 2 and also not in a position to controvert the fact that during the course of investigation, he was found innocent and hence, there was no charge sheet filed against him and subsequently, cognizance was taken differing with the final form.

8. Taking into consideration all the above mentioned facts and circumstances and also considering the fact that the petitioner no.2 has no criminal antecedent, I am inclined to grant privilege of anticipatory bail to the petitioner no. 2. Accordingly, in the event of his arrest/ surrender within a period of four



weeks from today, the petitioner no. 2 be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Chapra P.S.Case No. 336 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioners shall co-operate in investigation/ trial.

9. However, the petitioner no.2 is directed to co-operate in the trial and he would make himself physically present in the court on every fixed date till framing of charge against him. In case the learned court concerned at any point of time finds that the delay is being caused on account of non co-operation of the present petitioner, the learned court below would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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