

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88393 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- INDUSTRIAL AREA District- Vaishali

Upendra Ray @ Upendra Kumar Ray S/o- Rajeshwar Ray @ Rajeshwar
Prasad Ray Vill- Kuari Buzurg PS- Gangabridge Dist - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

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

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Industrial Area P.S. Case No. 78 of 2024 dated 25.06.2024 registered for the offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant and his brother, Amarjeet Kumar were purchasing vegetables at Pethiya, in the meantime, the co-accused persons surrounded and abused them. On being objected, they started assaulting them. The informant and his brother fled away in the field, but the co-accused persons Ranjeet Kumar, Pappu Kumar and Raushan



Kumar fired from the country made katta and pistol on the head, back and waist of the informant's brother leading to his death due to previous dispute under conspiracy with one another.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused Ranjeet Kumar. It has further submitted that there is no specific allegation against the petitioner of firing on the deceased at the time of the alleged occurrence. The specific allegation of firing on the deceased is against the co-accused Raushan Kumar, Ranjeet Kumar and Pappu Kumar. The petitioner has no concern with the alleged occurrence. There is general and omnibus allegation against the petitioner. The petitioner has four criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 05.07.2024. Similarly situated co-accused has already been granted regular bail by this court vide order dated 18.10.2024 passed in Cr. Misc No. 73464 of 2024.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as 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 Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 78 of 2024, with the following condition/s:-

(i). 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

