

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38583 of 2026

Arising out of PS. Case No.-335 Year-2017 Thana- GHORASAHAN District- East
Champaran

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Munna Rai @ Munna Kumar @ Munna Kumar Rai S/o Late Chandrika Rai
Resident of Village- Jagiraha Kothi, Ghorasahan, P.S.- Ghorasahan, District-
East Champaran, Bihar-845303

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prasoon Shekhar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
APP for the State

2. The petitioner apprehends his arrest in connection with Ghorasahan P.S. Case No. 335 of 2017 registered under Sections 147, 148, 149, 341, 342, 323, 324, 307, 302, 120B and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation in the F.I.R is that when the sons of the informant namely Rosh Kumar and Sonu Kumar were returning home on a motorcycle after closing their studio shop, Vijay Rai threw chilli powder into the eyes of Rosh Kumar and co-accused persons namely Jaysilal Rai and Pramod Rai fired from a



country-made firearm causing a gunshot injury on their head and Umesh Rai assaulted him with a farsa on his waist and Satish Rai assaulted with the handle of a hand pump on account of which both of them succumbed to injury and died on the spot.

4. It is submitted by learned counsel for the petitioner that the petitioner has not been named in the First Information Report and specific allegations have been attributed to other persons whose names have been taken in the First Information Report. It is further submitted that the first charge-sheet in the case came to be filed on 30.09.2017 against six accused persons and second charge-sheet was submitted on 18.04.2022 against two accused persons but the name of the petitioner did not feature in the first two charge-sheets. It is also submitted that on 16.02.2025, the final form was submitted in favour of the petitioner stating him to be innocent. However, differing with the said final form, cognizance was taken by the learned Magistrate on 20.02.2026.

5. It has further been submitted by the petitioner that the petitioner happens to be a Government



employee in the Railway Department and was not present at the place of occurrence which fact has also transpired during the course of investigation leading to the submission of final form. The implication of the petitioner is based only upon the confessional statement of two of the accused persons and barring the same, there is no other material to connect the petitioner with the present occurrence. It is also submitted that the petitioner has no criminal antecedent and he undertakes to co-operate during investigation/trial.

6. The application for anticipatory bail is opposed by learned A.P.P. for the State.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that the basis of implication of the petitioner is the confessional statement of the co-accused before police, cognizance against the petitioner has been taken differing with the final form submitted by the police and further he stands no flight risk, being a Government employee, it is directed that the petitioner, above named, in the event of his arrest or



surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Ghorasahan P.S. Case No. 335 of 2017 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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