

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35359 of 2015

Arising out of PS.Case No. -118 Year- 2014 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)
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Shankar Rai, S/o Nemdhari Rai, R/o Village - Rustampur Tinpariya, P.S. -
Raghopur (Rustampur), District - Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dharendra Kumar Sinha, Advocate.

For the Opposite Party : Mr. A.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

32 07-10-2015 Heard learned counsels for the petitioner, informant and

learned counsel for the State

The petitioner is languishing in custody since 04.12.2014
in connection with Raghopur P.S. Case No. 118 of 2014 for the
offences instituted under Sections 302/34, 307, 324, 341 of the
IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant
Devendra Rai alongwith his cousins Shiv Sagar Rai, Lalmuni Rai
were going to Jetuli Ghat by a Bullet Motorcycle and Shiv Sagar
Rai was driving the Motorcycle and the informant was sitting in
the middle and Lalmuni Rai was sitting in the back. That cousins
Wakil Rai and Shiv Nath Rai were also on the Motorcycle behind
the informant's Motorcycle. Thereafter, the informant reached at



Village-Rustampur Tinpariya at 11 A.M., then Shankar Rai, Mantu Rai, Manoj Rai, Awadhesh Rai, Alok Rai, Satendra Rai, Surendra Rai, Brahmdeo Rai and Mantu Rai came with five Motorcycles and surrounded the informant's Motorcycle and said for killing him then Shankar Rai came out with pistol and fired with an intention to commit murder and the bullet hit Shiv Sagar Rai on his stomach and the informant's stomach also hit by bullet and Shiv Sagar Rai and the informant fell down and the accused persons fled away from there. Thereafter, Shiv Sagar Rai was taken to Raghopur Hospital where he was declared dead and the informant's treatment was going on. The land dispute was reason behind the dispute. The accused persons forcefully used the land of the informant.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.12.2014 and the charge sheet has been submitted in the case. The petitioner has falsely been implicated in the present case due to land dispute between the parties. The deceased himself having a number of cases pending against him and he was of criminal mentality. He has been done to death in some other manner but taking advantage of the same the petitioner has been implicated in the present case.

On behalf of the learned counsels for the informant and

the State it has been submitted that the petitioner is named in the F.I.R. and there is direct allegation of firing against the petitioner causing injury to the deceased and the deceased succumbed to the said injuries.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Raghapur P.S. Case No. 118/2014, pending in the court of the learned J.M. Ist Class, Vaishali at Hajipur. Anyhow, the Trial court should take necessary steps to expedite the trial and conclude the same preferably within a period of six months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)