

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50949 of 2015

Arising Out of PS.Case No. -122 Year- 2014 Thana -SALIMPUR District- PATNA

1. Rajju Rai, age 48 years
2. Dharmbir Rai, age 28 years,
Both sons of Rajendra Rai, R/O Village- Saidpur, P.S.-
Salimpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radhe Shyam

For the Opposite Party/s : Mr. Surendra Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Salimpur P.S.Case No. 122 of 2014 registered for offences
punishable under Sections 302/34 of the Indian Penal Code and 27
of the Arms Act.

The prosecution case is that one Rudal Rai, S/O Late
Sonelal Rai gave written statement before S.H.O., Salimpur P.S.
that on 21.07.2014 at 5.45 P.M. while the informant and his father
were near Bahadurpur between railway line and fore lane feeding
the animal, at the time sixteen F.I.R. named accused persons and
five-six unknown persons variously armed with pistol, Gun, Lathi
came and surrounded them. It was alleged that one Akshay Lal

Rai gave order to fire bullets on the deceased and on which Pintu Rai fired on informant's father but informant's father caught hold of Pintu Rai. In the meanwhile, all the accused started assaulting the informant's father by lathi and danda. When the father of informant was assaulted, he left Pintu Rai and thereafter Bum Rai, Udai Rai, Bansi Rai fired several bullets on the deceased and lastly one Akshay Lal Rai fired on the head of the deceased with point blank range on which the deceased fell down. It is alleged that the reason behind the said occurrence is land dispute.

It has been submitted by the learned counsel for the petitioner that they are innocent and have committed no offence. But the nature of offence and the accused persons armed with various weapons have surrounded the deceased, which resulted in his death speaks volumes of the complicity of the petitioners in commission of said offence.

Further, Petitioner No. 1 and Petitioner No. 2, both have criminal history, as such, I am not inclined to grant privilege of anticipatory bail to both the petitioners.

This application, is accordingly, rejected.

(Nilu Agrawal, J)

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