

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52595 of 2015

Arising out of PS.Case No. -109 Year- 2014 Thana -AWTARNAGAR District- SARAN

Bimal Rai, Son of Sri Rampani Rai, R/o Mohalla Mariyam Colony, Digha, P.O. Digha, P.S. Digha, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anita Kumari, Advocate.

For the Opposite Party : Mr. Md. Nazir Ansari(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Awatar Nagar P.S. Case No. 109 of 2014 for the offences instituted under Sections 302, 120(B), 307/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the petitioner and other four accused persons, namely, Mahesh Rai, Mukesh Rai, Nagendra Rai and Ajay alias Raja came on two motorcycles having arms in their hands and started firing indiscriminately upon cousin brother of the informant, namely, Mritunjay Singh who was sitting in his Litchi Orchard. Pellet fired by accused Mahesh Rai with carbine hit him and also one pellet hit on the hand of labourer

Dudhnath Mahto. His cousin brother was brought to Garkha PHC from where the doctor referred him to Sadar Hospital, Chapra, where the doctors declared him brought dead. It is lastly alleged that at the instance and conspiracy of accused Awadhesh Rai and Laxman Rai present occurrence has taken place.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. From perusal of paragraph no. 112 of the case diary, it is evident that through the said witness is said to be an eye witness but has not named this petitioner. From perusal of paragraph no. 106 of the case diary also it is evident that the said witness has not named this petitioner. The other co-accused has been arrested in the alleged occurrence but has also not named this petitioner in his confessional statement. The other co-accused have been granted regular bail by this Court in the present case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Awatar Nagar P.S. Case No. 109/2014, pending in the court of the learned C.J.M., Saran at Chapra. Anyhow, if the

petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by this order and same may be disposed of preferably on the same day taking into account the other co-accused have been granted regular bail by this Court.

U.K./-

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

(Sudhir Singh, J)