

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28470 of 2016

Arising Out of PS.Case No. -238 Year- 2015 Thana -BANIAPUR District- SARAN

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Bittu Kumar @ Bittu Kumar Rai, Son of Raja Rai, Resident of Village:
Kamta, P.S.; Baniyapur, District: Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-09-2016

Heard both sides.

The petitioner apprehends his arrest in Baniyapur P.S.

Case No. 238/2015, registered for the offences punishable under
Section 302 and other sections of the Indian Penal Code and
Section 27 of the Arms Act.

The informant alleged that his father had gone to see
drama on the eve of Durga Puja. Ranjit Roy, Ashok Roy and Bittu
Kumar (petitioner) came there and picked up quarrel with Rohit
Kumar. Vikrama Rai pacified the quarrel and all the accused
persons left that place. Thereafter again petitioners along with
three other persons namely, Jayprakash Rai, Vakil Rai and Raja
Rai (father of the petitioner) came on a Bolero Jeep and fired
causing fire arm injury on the neck of the Sabali Rai and Raja Rai
(father of the petitioner) also fired in which Sandeep Kumar @

Sumeet Kumar Singh also got injuries. Sabali Rai died during the course of treatment.

Learned counsel for the petitioner submits that the petitioner is of course named in the F.I.R., but no specific allegation is made against him. During the course of investigation one of the witnesses stated that the petitioner has falsely been implicated due to previous enmity, so that the petitioner may not contest the panchayat election.

It appears that firstly, the petitioner, Ranjit Rai and Ashok Rai picked up quarrel with Rohit Kumar at the place where the drama was organized and when the matter was pacified, the petitioner again came along with other accused persons on a Bolero Jeep having armed with different weapons. Ranjit Rai and Raja Rai (father of the petitioner) made firing causing the death of Sabali Rai and injury to Sandeep @ Sumeet Kumar Singh. It appears that the petitioner after having conspired with other accused persons came on a Bolero Jeep to take revenge from the father of the informant.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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