

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49597 of 2015

Arising Out of PS.Case No. -140 Year- 2015 Thana -DANAPUR District- PATNA

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Ravi Kumar @ Ravi Rai, Son of Lalit Rai, resident of Near Ford Service Centre, Roshan Vihar Apartment, West Bailey Road, P.S.- Danapur, Distirct- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-02-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences punishable under sections 302/34 of the I.P.C. and section 27 of the Arms Act.

Allegedly, for parking motorcycle, there was some hot discussion between Saurabh Singh, the son of the informant and Rahul Rai and then the petitioner and other co-accused came running with iron rod and cutta and they started assaulting the son of the informant with iron rod. Thereafter, co-accused Rahul Rai shot the son of the informant twice. The informant thereafter brought his son for treatment in Paras Hospital, Rajabazar where

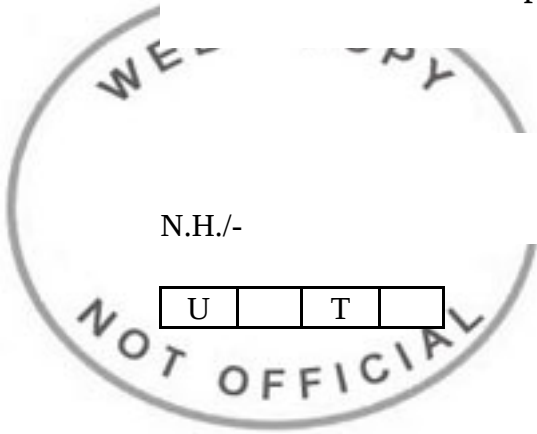
he was declared dead.

Submission is of false implication that the informant is not an eye witness, he has changed his version in further statement that the petitioner pierced rod in the chest of his son as during postmortem, no fire arm injury was found and Rahul Rai being juvenile and as such the informant is not reliable, other witnesses are hearsay and only they have seen fleeing away the petitioner and others from the place of occurrence, the petitioner is suffering in custody since 13.3.2015 and as such deserves sympathetic consideration as charge sheet has already been submitted.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that in fardbeyan also, there is allegation for assaulting with rod which has been specified in further statement that the petitioner pierced the rod in the chest of the son of the informant which proves fatal.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, serious and heinous in nature, this Court is not inclined to enlarge the petitioner on bail at this stage and accordingly his such prayer stands rejected in connection with Danapur P.S. Case No.140 of

2015 pending in the court of Additional Chief Judicial Magistrate,
Danapur.



(Jitendra Mohan Sharma, J)