

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29665 of 2017

Arising Out of PS. Case No. -38 Year- 2017 Thana -MANER District- PATNA

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Vijay Rai, Son of Raja Rai @ Rajaram Rai, Resident of Village-Chakia
Tola, Khaspur, Police Station-Maner, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Shanker Pankaj, Advocate

For the State : Mr. Rajendra Pd. Nat, APP

For the Informant : Mr. Praveen Prabhakar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 20-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 01.02.2017 in connection with Maner P.S. Case No. 38 of 2017 for the offences alleged under Sections 302/34 of the Indian Penal Code and Section 25(1-b)a, 26 and 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated and in any event, the thrust of accusation of having fired upon the deceased is on the co-accused Jai Biru Rai. The petitioner has been implicated only on the basis of the confessional statement of the said Jai Biru Rai. The petitioner claims clean antecedents.

4. Learned APP for the State assisted by the learned counsel for the informant appearing suo motu opposes the bail petition submitting that there is clear accusation against the petitioner as he is a member of the unlawful assembly who along with other accused persons took away the deceased before he was fired at by co-accused Jai Biru Rai. It is further submitted that a bloodstained cloth was recovered under *Chouki* kept in the room of the petitioner on the very next day of the occurrence which fact



has been mentioned in paragraph 28 of the case diary. It is submitted that participation of the petitioner in the occurrence is well substantiated.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The bail petition stands dismissed.

(Vikash Jain, J)

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