

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44261 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -JURAWANPUR District-
VAISHALI(HAJIPUR)

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1. Subodh Rai, Son of Munki Rai,
2. Ajay Rai, Son of Dasa Rai,
3. Uma Shanker Rai, Son of Late Beni Rai,
4. Sheo Chandra Rai, Son of Late Gulabi Rai, All resident of Village-
Raghopur East, Ward No.5, P.S.- Jurawanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 09-11-2017

Heard both sides.

The petitioners apprehend their arrest in Jurawanpur
P.S. Case No.34 of 2017 registered under Sections 302, 307 and
other Sections of the Indian Penal Code.

Santosh Rai, the informant alleged that while he was
taking soil from his land, Sheo Chandra Rai came with Farsa and
made an attempt to assault him but somehow he fled away. The
informant further alleged that while he was sitting at Darwaza
along with his family members, the accused persons came. Vijay
Rai fired at his father, Bhagwat Rai in his right side of his back
(panjara) and Bhagwat Rai died on the spot. Munki Rai fired



which hit his nephew, Mithilesh Rai. Mithilesh Rai also fell down on the ground. Thereafter, Sheo Chandra Rai also fired. The petitioners are alleged to have made indiscriminate firing in which Anil Rai, the brother of the informant got fire injury.

The learned counsel for the petitioners submits that there is no specific allegation of assault and firing against the petitioners. Bhagwat Rai got one firearm injury and Mithilesh Rai also got one firearm injury which were attributed to Vijay Rai and Munki Rai. The firing made by Subodh Rai did not hit Mithilesh Rai. Anil Rai also got one firearm injury on his arm and all the four petitioners are alleged to have made indiscriminate firing. There is a land dispute between the two sides. Hence, the petitioners may be enlarged on anticipatory bail but the learned counsel for the informant as well as the learned Additional P.P. vehemently opposed the prayer for bail and submitted that occurrence took place at the Darwaza of the informant.

The petitioners are aggressors and having armed with different weapons went to the house of the informant. There is specific allegation against Vijay Rai and Munki Rai who fired causing injury to Bhagwat Rai and Mithilesh Rai. Bhagwat Rai and Mithilesh Rai died on the spot. The petitioners are also alleged to have made firing which hit Anil Rai.



Considering the facts that the petitioners also went along with the other accused persons to the house of the informant and petitioners are also alleged to have opened firing, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below and file regular bail application, the court below shall consider the prayer of the petitioner on its own merit without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

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