

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3279 of 2017

Arising Out of PS.Case No. -217 Year- 2013 Thana -FATEHPUR District- GAYA

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Sanjay Kumar Rai @ Pappu Kumar, Son of Kishun Prasad, Resident of
Village Bakhari, P.S. Fatehpur District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lovekush Kumar, Advocate.

For the Opposite Party : Mr. Madan Kumar, APP.

For the Informant : Mr. Sanjeet Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-02-2017 Heard both sides.

The petitioner apprehends his arrest in Fatehpur P.S. Case No. 217 of 2013, registered for the offences punishable under Sections 302, 307 and other Sections of the Indian Penal Code, Section 27 of the Arms Act and under Sections 3/4 of the Explosive Substance Act. Earlier prayer for bail of the petitioner was rejected vide order dated 07.04.2015 passed in Cr. Misc. No. 34354 of 2014.

Shri Vaidehi Raman Prasad Singh, learned counsel for the petitioner submits that on earlier occasion the prayer for bail of the petitioner was rejected on the ground that no documentary evidence to prove the plea of alibi of the petitioner was present. Now, the Deputy Commissioner, Central Excise has issued certificate that the petitioner was present in his office and therefore the petitioner renewed his prayer for bail. It is further submitted that police found the case false against



the petitioner after accepting the plea of alibi, but the cognizance has been taken.

On the other hand, learned APP as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioner.

It appears that the informant as well as other witnesses has very categorically stated that Sanjay Kumar Rai @ Pappu Kumar, the petitioner fired which hit Ganesh Prasad and Ganesh Prasad died on the spot. When Suma Devi came at the place of occurrence Akashdeep @ Guddu and Rakesh Kumar @ Pintu made firing on Suma Devi.

Since there is specific allegation of firing against the petitioner causing death of Ganesh Prasad and the witnesses have stated that it was the petitioner who fired causing death of Ganesh Prasad, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J.)

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