

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11305 of 2017

Arising Out of PS.Case No. -97 Year- 2016 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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Bir Bahadur Rai, son of Sita Ram Rai, Resident of Village Saidabad, P.S.
Raghopur, District Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-04-2017

Heard both sides.

The petitioner apprehends his arrest in Raghopur (Rustampur O.P.) P.S. no. 97 of 2016 registered for the offences punishable under Section 307 and other sections of Indian Penal Code and Section 27 of Arms Act.

Permanand Rai, the informant alleged that he heard sounds of firing at the bank of Ganges. When the informant went there, he saw his son Ranjeet Kumar lying dead and his younger son Mukesh Kumar was injured. Binda Rai @ Binda Gope, Sunil Rai, Bir Bahadur Rai and Wakil Mahato were firing from countrymade pistol. Mukesh Rai; the younger son of the informant is said to have disclosed that Binda Rai fired causing death of Ranjeet Rai. Sunil Rai also fired which hit Mukesh Rai.



The petitioner assaulted Mukesh Rai with stick.

Mr. Sandeep Shahi, learned counsel for the petitioner submits that informant is not the eye-witness of the occurrence. Mukesh Rai and Ranvijay Rai are the eye-witnesses of the occurrence but they have not made any sort of allegation against the petitioner Bir Bahadur Rai. The petitioner has not got land dispute with the informant and others and he has been falsely implicated in this case. The petitioner is alleged to have assaulted Mukesh with stick but no injury was found on his person. It appears that the four persons are named in the F.I.R. Mukesh Rai, the injured brother of the deceased Ranjeet Rai has made very specific allegation that the petitioner fired causing death to Ranjeet Rai. Sunil Rai had also fired but Mukesh Rai saved himself. Wakil Mahato and the petitioner are alleged to have assaulted Mukesh Rai and he got injuries on his head and he was referred to Sadar Hospital, Hajipur for treatment. Thereafter, four accused persons fled away firing in the air. Of course, the petitioner has not assaulted the deceased but he has assaulted the brother of the deceased who got injuries on head also

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected. However, the petitioner is directed to surrender



before the court below for regular bail and the court below will dispose of the matter on its own merit without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J.)

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