

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37763 of 2018

Arising Out of PS. Case No.-547 Year-2017 Thana- DANAPUR District- Patna

Arjun Rai Son of Jawahar Rai @ Jawahar Rai Singh, Resident of Mohalla-
Naya Tola, Saguna, P.S. Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2018 Heard learned counsel for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case as per the Fardbayan of Paras Rai recorded by Sub-Inspector R. K. Roushan of Shastri Nagar Police station on 10.08.2017 at 7:30 A.M. at Paras Hospital is to the effect that the informant on 10.08.2017 at 5:45 A.M. was strolling with his brother Kedar Rai and son Raj Ballabh Rai, in the meantime, the F.I.R. named accused person including the petitioner came variously armed on 3-4 motorcycles. It is alleged that co-accused Prem Ratan Rai and petitioner Arjun Rai fired at the brother of the informant with pistol. Co-accused



Piku and Prashant caught hold of the informant and assaulted him with the butt of the pistol. Consequently, the brother of the informant was brought to Paras Hospital where he was declared dead.

It is submitted by learned counsel for the petitioner that 22 F.I.R. named accused persons including the petitioner has not been sent up for trial. Other accused person have been sent up for trial but, mechanically differing with the final form cognizance has been taken by the learned Court below hence, the petitioner has the apprehension of being arrested.

It is further submitted that the accusation has been levelled against the petitioner in the background of old land dispute between the parties, moreover, the accused persons against whom final form has been submitted, have been granted anticipatory bail by various co-ordinate benches of this Court in Cr. Misc. Nos. 50514 of 2017 and 21626 of 2018.

Learned APP submits there is specific accusation against the petitioner and co-accused Prem Ratan Rai who has been allowed to be enlarged on bail by default under the provisions of Section 167(2) of Cr.P.C. It is further submitted, that there is specific accusation by the informant and other eye witnesses that the petitioner and co-accused, Prem Ratan Rai



fired causing death of the brother of the informant.

Considering the fact that there is specific accusation against the petitioner of causing fire arm injury to the victim, the brother of the informant, namely, Kedar Rai and though he has not been sent up for trial but differing with the final form, on perusal of materials, the learned court below has directed for issuance of process after cognizance being taken for the offence punishable under Section 302 and other Sections of the I.P.C., this court is not inclined to to grant anticipatory bail to the petitioner.

However, the learned court below will consider the the prayer of the petitioner for grant of regular bail without being prejudiced by this order, in case he surrenders before the learned court below within six weeks in connection with Danapur P.S. Case No. 547 of 2017 pending in the Court of learned A.C.J.M. I. Danapur.

With the aforesaid observation/direction, this application stands disposed of.

(Dinesh Kumar Singh, J)

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