

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39190 of 2018

Arising Out of PS.Case No. -319 Year- 2015 Thana -RIGA District- SITAMARHI

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1. Umesh Rai S/o Shobhit Rai, R/o Vill.- Mohanpur, P.S.- Piprahi, District-Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P..

The petitioner apprehends his arrest in Riga P.S. Case No.319 of 2015 registered under Sections 307, 120B/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named six persons including the petitioner, Umesh Rai and alleged that they all indiscriminately fired and the informant got injuries on his hand, arm and armpit and fell down on the ground. The informant further alleged that he has got land dispute with Daresh Rai and Shashi Singh happens to be friend of Daresh Rai on account of which the accused persons made an abortive attempt to kill the informant.

The learned counsel for the petitioner submits that



petitioner, Umesh Rai, Daresh Rai and Lal Babu Rai are own brothers. There is land dispute between the parties. The petitioner was in Delhi on the date of occurrence. During the course of investigation, almost all the independent witnesses have stated and supported the alibi of the petitioner that the petitioner was not present on the date of occurrence.

On the other hand, learned counsel for the informant as well as learned A.P.P. submits that anticipatory bail petition of Daresh Rai, own brother of the petitioner has already been rejected by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.21498 of 2017. The case of the petitioner stands on the same footing. The plea of alibi is not yet corroborated by any cogent material about the non-presence of the petitioner on the place of occurrence whereas the informant and other eyewitnesses of the occurrence have very categorically stated that the petitioner along with five other persons made indiscriminate firing causing many injuries on the body of the informant and the injuries are found to be grievous.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that there is allegation against the petitioner that the petitioner along with other accused persons made indiscriminate firing causing many injuries



on the different parts of the body of the informant, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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