

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1507 of 2018

Arising Out of PS. Case No.-93 Year-2016 Thana- RAGHOPUR District- Vaishali

Sunil Rai, S/o- Suresh Rai, R/o- Village- Jafrabad Tok, P.S.- Rustampur, O.P.
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. SRI ATAUR RAHMAN

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323 and 302 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Vimal Roy submitted to the Officer-In-Charge, Rustampur (O.P.) Police Station is to the effect that on 02.11.2016 at 11.30 AM, Bhajan-Kirtan was going on at Jagdamba Sthan, where sons of the informant, namely, Vijendra Roy and Dayanand Roy went to participate. The son of the informant, Dayanand Roy conveyed to the informant that co-accused Makhan Rai and the petitioner



Sunil Rai and three unknown persons came armed with rifle and country made pistol when the petitioner resorted to fire killing the son of the informant, Vijendra Rai on the spot.

It is submitted by learned counsel for the petitioner that there is no motive for the occurrence and admittedly, the informant is not the eye-witness to the occurrence and above all, a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is further submitted that the informant has filed a petition that on suspicion, his son named this petitioner. Actually, he could not identify the petitioner on the spot.

Learned counsel for the informant submits that since the person, who resorted to fire, reassembles like the petitioner Sunil Rai, hence he named Sunil Rai. Actually, he could not identify the petitioner Sunil Rai.

Considering the nature of accusation, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Hence, the prayer for anticipatory bail of the petitioner is rejected.

Let the learned court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court in connection with Raghapur P.S. Case No. 93 of



2016, pending in the court of learned ACJM-IV, Vaishali at Hajipur.

(Dinesh Kumar Singh, J)

Amrendra/-

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