

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7610 of 2019**

Arising Out of PS. Case No.-83 Year-2017 Thana- RAGHOPUR District- Vaishali

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Jagbali Ray Son of Ram Slok Ray Resident of Village - Meerampur ,District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Raj Kishore Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

8 27-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Raghopur
P.S. Case No. 83 of 2017 registered under Sections 302, 34 of
the Indian Penal Code and Section 27 of the Arms Act and
Section 30(a) of the Bihar Prohibition Act, 2016.

Six accused persons including the petitioner arrived at
the Bathan of the informant with weapons and tried to consume
liquor and on protest made by the informant and his son, on the
order of co-accused Dasrath Rai, petitioner resorted firing on the
son of the informant, namely, Satish Kumar, who sustained
injury and fell down on the ground, thereafter, Dasrath Rai also
resorted firing on him. Thereafter, informant brought his son to



PMCH where doctor declared him dead.

It is submitted by the learned counsel for the petitioner that no such occurrence as alleged ever took place. There is no planning to commit murder of the deceased as the occurrence has taken place on protest made by the informant and his son over consuming liquor at his bathan. It is also submitted that both the petitioner and Dasrath Rai are said to have shot firing upon the deceased but doctor has found only one wound of entry and one wound of exit on parietal region of the deceased. Petitioner is not alleged to have assaulted on the head of the deceased. Petitioner has been languishing in custody since 28.03.2018. Other co-accused, namely, Manoj Rai and Dinesh Rai have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 12.03.2018 passed in Cr. Misc. No. 60996 of 2017.

On the other hand learned APP and learned counsel for the informant opposed the bail prayer of the petitioner submitting that petitioner happens to be main assailant. He has resorted firing upon the deceased at first on the order of Dasrath Rai and when the deceased fell down on the ground, said Dasrath Rai also resorted firing upon him. Earlier also bail petition of the petitioner was rejected by this Court vide order



dated 27.07.2018.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, this application is rejected.

However, learned Trial Court is directed to conclude the trial as early as possible preferably within nine months from the date of receipt/production of a copy of this order and S.P., Vaishali (Hajipur) is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P., Vaishali (Hajipur) by fax for needful.

(Prakash Chandra Jaiswal, J)

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