

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15525 of 2019**

Arising Out of PS. Case No.-100 Year-2015 Thana- PHULWARIA District- Begusarai

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TUNNI RAI @ TUNNI RAJ, S/o Sunil Rai, R/O Vill.- Sokahara- 2 Bagraha
Dih, P.S.- Phulwariya, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-04-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 307, 341, 323 and 504/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Sanjit Rai, recorded by S.N. Pandey, S.I. of Phulwaria P.S. at Bangraha Dih situated behind of Ramesh Singh Mixture Plant on 19.07.2015 at 07.30 P.M. is to the effect that on the same day at about 06.30 P.M., the informant went to inspect his agricultural



field, in the meantime, he saw that all the accused persons including the petitioner were present on his agricultural field and the petitioner, Tunni Rai was ploughing the field. On protest being made, co-accused, Sunil Rai started squabbling with the informant, whereupon the petitioner got down from the tractor and started abusing the informant and also resorted to fire upon him, causing firearm injury on the face of the informant. It is further alleged that co-accused, Ravi Rai also resorted to fire upon the informant, causing firearm injury below his right armpit and thereafter, co-accused Rishi Rai resorted to fire upon the informant but it did not hit the informant. It is also alleged that co-accused, Sunil Rai and Brahmdeo Rai assaulted the informant with lathi and danda.

It is submitted by learned counsel for the petitioner that the petitioner is agnate of the informant and in the background of land dispute, the accusation has been levelled against the petitioner. It is further submitted that the injuries caused to the informant, have been found simple in nature. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in one other case, in which he is on bail.

Learned APP for the State submits that specific



accusation of causing firearm injury is against the petitioner and he is named in the FIR.

Considering the fact that the case was registered in the year 2015 and there is specific accusation against the petitioner of causing firearm injury on the face of the informant, this Court is not inclined to grant anticipatory bail to the petitioner.

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

However, the learned court below will consider the prayer for regular bail of the petitioner, if he surrenders within a period of six weeks, in connection with **Phulwaria P.S. Case No. 100 of 2015**, pending in the Court of learned **ACJM, Teghra, Begusarai**.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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