

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44329 of 2019**

Arising Out of PS Case No.-150 Year-2013 Thana- SHAHEBPUR KAMAL District-
Begusarai

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Amal Rai, Male, aged about 26 years, Son of Sachidanand Rai, Resident of
Village- Raghunathpur, P.S.- Shahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar, Advocate
For the State	:	Dr. (Mrs.) Indihar Kumari, APP
For the Opposite Party/s	:	Mr. Deepak Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 04-12-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant, who has *suo*
motu appeared.

2. The petitioner seeks bail in connection with
Shahebpur Kamal PS Case No. 150 of 2013 dated 16.08.2013
instituted under Sections 147, 148, 149, 326, 302 of the Indian
Penal Code and 27 of the Arms Act.

3. The petitioner and six others are accused of firing on
the son of the informant leading to his death. Against the
petitioner and one other co-accused, the allegation is specific of
firing on the deceased.



4. Learned counsel for the petitioner submitted that he has been falsely implicated due to past rivalry as the parties are on inimical terms. It was submitted that nothing incriminating had been recovered from the place of incident, as alleged in the FIR, to indicate that there has been such activity. It was further submitted that the informant has stated that the incident took place at 5 o' clock in the morning and thereafter, they have taken the injured to the local hospital where he was declared dead and then they have brought the body to the police station and the *fardbeyan* has been recorded at 5.45 AM.

5. Learned APP from the case diary and learned counsel for the informant submitted that against the petitioner there are eight other cases under serious sections in three different districts and further that there are many other cases pending. It was submitted that another son of the informant was also attacked earlier for which a case has been filed and subsequently also another son was attacked. It was submitted that the cases against the petitioner relate to the year 2012 onwards till 2018. It was submitted that in trial, prosecution witnesses are being examined. It was also submitted that the postmortem report shows two bullet injuries which is corroborated by the version in the FIR.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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