

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55202 of 2019

Arising Out of PS. Case No.-172 Year-2018 Thana- KHAIRA District- Saran

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BADAN RAI Son of Late Suraj Rai Residence of Village- Maksuspur (Balua Par), P.S.- Khaira, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioner, the learned
counsel appearing on behalf of the State and the informant.

The petitioner is in custody since 28.03.2019 in connection with Khaira P.S. Case No. 172 of 2018, registered for the offence, punishable under Section 302/34 of the Indian Penal Code, including Section 27 of the Arms Act.

Learned counsel for the petitioner submits that there is delay in lodging of the present FIR. It appears from the FIR that inquest and seizure list was prepared prior to lodging of the FIR. It is further submitted that there was land dispute between the parties and the petitioner has falsely been implicated in this case.

Learned counsel for the informant, however, submits that there is clear allegation against the petitioner of having fired



at the deceased, leading to his death and, therefore, he may not be granted the privilege of bail.

Having heard learned counsel for the petitioner, the State and the informant and having perused the post mortem report, coupled with the material available on records, there appears to be specific allegation against the petitioner. Therefore, I am not inclined to grant bail to the petitioner.

Prayer for bail on behalf of the petitioner is accordingly rejected.

However, the trial shall be expedited.

(Anjana Mishra, J)

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