

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3125 of 2020

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

JAGBALI RAY @ JAGWALI RAI Son of Ram Slok Ray @ Ram Slok Rai
Resident of Village - Mirampur, P.S.- Raghapur, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Ms.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Raghapur P.S. Case No. 83 of 2017 for the offence registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The present petition for grant of regular bail is a second attempt on the part of the petitioner herein inasmuch as the earlier petition of the petitioner for grant of regular bail in connection with Raghapur P.S. Case No. 83 of 2017 for the offence registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, has been dismissed by a coordinate Bench of this Court vide order dated 27.02.2019 passed in Cr. Misc. No. 7610 of 2019.



The allegation is that the accused persons including the petitioner herein had arrived at the cow shed of the informant carrying a bag full of liquor and had tried to consume the liquor at that place whereafter the informant and his son are stated to have objected to the same resulting in altercation between both the parties whereafter the co-accused person, namely, Dashrath Rai had exhorted the petitioner to kill the son of the informant and then the petitioner is stated to have fired at the son of the informant resulting in the son of the informant receiving gun shot injury and then the said co-accused person, namely, Dashrath Rai had also fired. The son of the informant is stated to have been taken to the hospital where he was declared dead upon arrival.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 28.03.2018 and there has been no progress in the trial.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioner, this Court is of the view that there is no change in circumstances from the date the prayer of the petitioner for grant of regular bail was rejected on 27.02.2019 till date, hence no ground has been made out so as to warrant grant of



regular bail to the petitioner herein. This Court further finds that the petitioner is the main assailant who is stated to have fired gun shots on the son of the informant resulting in his death, hence considering the seriousness of the accusation and the gravity of the offence committed by the petitioner herein coupled with the fact that there is no change in circumstance so as to warrant consideration of the present petition, the present petition stands dismissed being devoid of any merit.

(Mohit Kumar Shah, J)

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