

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27071 of 2020

Arising Out of PS. Case No.-287 Year-2020 Thana- BIHTA District- Patna

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1. RAM BABU RAI S/o Late Monarik Rai Resident of Village-Bela, Police Station-Bihta (Neura O.P), District-Patna.
 2. Manish Rai S/o Sri Ram Babu Rai Resident of Village-Bela, Police Station-Bihta (Neura O.P), District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Jha, Adv.
For the State	:	Mr. Jay Narayan Thakur, APP
For the Informant	:	Mr. Kameshwar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-12-2020 Heard the learned counsel for the petitioners, Sri Jay Narayan Thakur, the learned A.P.P. for the State and Sri Kameshwar Singh, the learned counsel appearing for the informant.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 2, accordingly, the present petition qua the petitioner no. 2 stands dismissed as not pressed.

This is an application for grant of anticipatory bail in connection with Bihta (Neura O.P.) P.S. Case No. 287 of 2020 registered for the offence



punishable under Sections 114, 147, 148, 149, 341, 323, 307 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 29.04.2020 at about 7:00 AM, the accused persons including the petitioners herein, having arms in their possession, arrived at the house of the informant with JCB machine and started cutting the road in front of the house of the informant by the said JCB machine and when the informant and his family members objected to the same, the accused persons started abusing and assaulting the informant and his family members. It is further alleged that the accused person, namely, Arun Kumar, exhorted to kill the informant and his family members, whereupon, the co-accused person, namely, Sunil Rai, took out a pistol from his waist and fired on the brother of the informant, namely, Birsa Rai, in his abdomen, whereafter, Dhiraj Rai also fired from his pistol, which hit the uncle of the informant on his chest. The informant has also alleged that the co-accused person,



namely, Sushil Rai, had also fired gunshots from his pistol on the informant, which had hit him on his arm, resulting in all the injured persons having fallen down on the ground and having become unconscious. The informant has further alleged that thereafter, the petitioners herein had also engaged in firing from their guns.

The learned counsel for the petitioner no. 1 submits that the petitioner no. 1 is innocent and he has been falsely implicated in the present case. It is further submitted that the present case arises out of case and counter case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner no. 1 and taking into account the materials available on record as also those available in the case diary as also considering the fact that the petitioner no. 1 is having a bad criminal antecedent inasmuch as he is an accused in two other cases, apart from the



fact that there are ample materials available in the case dairy, which has been collected during the course of investigation by the police, to show the complicity of the petitioner no. 1 in the alleged occurrence and moreover, there is grave allegation of gunshot firing and the fact is that the injured persons have also received firearm injuries, I do not find that the present case to be at least a case for grant of anticipatory bail, hence, the prayer made by the petitioner no. 1 for grant of anticipatory bail stands rejected.

(Mohit Kumar Shah, J)

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