

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24094 of 2020

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

Sunil Rai, Male, aged about 35 years, Son of Ram Babu Rai, Resident of Village- Bela, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Radha Mohan Singh, Advocate
For the State	:	Mr.Ram Bilas Roy Raman, A.P.P.
For the Informant	:	Rameshwar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-11-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Bihta P.S. Case No. 287 of 2020 registered for the offences punishable under Sections 114, 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation as per F.I.R., in brief, is that about 7.00 A.M. on 29.04.2020, the petitioner Sunil Rai and the accused Ram Babu Rai, Dhiraj Rai, Sushil Rai and Manish Rai having arms in their possession, arrived in front of informant's house with J.C.B. Machine when the informant and his family members were inside the house, they started getting the road in front of informant's house cut by J.C.B. Machine. When



informant and his family members objected, accused persons abused and scuffled with them Accused Arun Kumar @ Mukhiya Ji orderd others to kill where after petitioner Sunil Rai shot informant's brother, namely, Birsai Rai in his abdomen, accsued dhiraj Rai shot informant's uncle, namely, Dinesh Rai @ Siti Rai in his chest, accused Sushil Rai shot informant in his arm, then accused Ram Babu Rai and Manish Rai along with others left the place making firing.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner has been suffering from mental illness for the last 3 years and still he is in treatment. The medical certificate is enclosed as Annexure-2 to the bail petition. He further submits that the men who is not mentally fit and suffering from mental illness for last 3 years whose treatment is going on and his mental illness is not in a position to commit such offence as alleged against him in the F.I.R.

Learned counsel for the State vehemently opposed the bail petition of the petitioner and submits that there is direct and specific allegation against the petitioner. He further submits that the bail application of the order giver namely Arun Kumar has



been rejected by this Co-ordinate Bench of this Court vide order dated 07.10.2020 passed in Cr. Misc. No.22929 of 2020.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Therefore, the prayer for anticipatory bail of the petitioner in connection with Bihta P.S. Case No.287 of 2020 pending in the court of learned Additional Chief Judicial Magistrate, Ist, Danapur, Patna is hereby rejected. However, the petitioner is directed to surrender before the court below and the learned court below shall pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

