

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70197 of 2019

Arising Out of PS. Case No.-223 Year-2013 Thana- RAJPUR District- Buxar

Rajnish Rai @ Chandan Rai Son of Subhan Chandra Rai Resident of Village -
Dehri, P.O.- Dehri, P.S.- Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Mr.Kalyan Shankar
For the Opposite Party/s :		Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 25-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in jail since 24.5.2018 in a case registered for the offences punishable under Sections 147,148,149 and 302 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Ram Dayal Rai recorded by S.I. Raj Kumar of Rajpur Police Station, is to the effect that on 23.11.2013 at 4.00 P.M., the brother of the informant, namely, Agnideo Rai and Srinath Adhis alias Pandit went to village Sayar after crossing the river Karmnasa. The informant was waiting for their return. As soon as the boat



reached near the embankment of the river, 12 miscreants came on a motorcycle and no sooner than the brother of the informant got down from the boat, co-accused Guddu Rai fired first and thereafter co-accused Mantu Rai and Ramesh Rai fired, as a result, the brother of the informant fell down and started writhing in pain. Srinath Adhis who was accompanying the brother of the informant, after seeing his friend being shot at, jumped into the river but he too was shot at by the petitioner, as a result, he died on the spot.

It is submitted by learned counsel for the petitioner that in the background of previous enmity the accusation has been levelled against the petitioner. There is no accusation of repeating the blow. It is further submitted that the investigation has already been concluded and there is no chance of the trial being concluded in near future. Several other co-accused persons have been granted bail and the orders granting bail have been brought on record through supplementary affidavit. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant and learned APP submit that the present case was registered in 2013, while the petitioner has been arrested in 2018. It is further submitted that



the petitioner is the main assailant and he remained absconding for about five years and only non-assailants have been granted bail.

Considering the fact that petitioner is the sole assailant of the deceased and corresponding injury has been found on the person of the deceased, coupled with the fact that the petitioner fact that the petitioner remained absconding for about five years, this Court is not inclined to grant bail to the petitioner in connection with Rajpur P.S. Case No. 223 of 2013 pending in the Court of learned Sessions Judge III, Buxar.

Accordingly, the prayer of the petitioner for bail is rejected.

(Dinesh Kumar Singh, J)

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