

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2582 of 2020**

Arising Out of PS. Case No.-560 Year-2019 Thana- DANAPUR District- Patna

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DIPU RAI Son of Bindeshwar Rai @ Ghantu Pehlwan @ Bindeshwar Prasad  
Resident of Moh- Shiv Mandir, Saguna Nadipar, P.S.- Danapur, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Devendra Prasad Sinha, Sr. Adv.

For the Opposite Party/s : Mr.Harendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

8      24-06-2020                      Heard both sides through Video Conferencing.

The petitioner seeks bail in Danapur P.S. Case No.560 of 2019 registered under Sections 302, 384, 385, 386, 307, 120B, 379 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in short as alleged by Kushmita Devi, the widow of the deceased Mithlesh Kumar Singh, is that her husband purchased Plot No.111 from Ranjan Kumar and Soni Devi. Gorakh Kumar was the partner of her husband. A case was pending with regard to the dispute of ownership of the land in the Civil Court. The case was decided in favour of the husband of the informant. The husband of the informant and others went on the plot on 09.07.2019 but in the meantime, at about 3.15 P.M., 20-25 other persons came on the plot. Her



husband started having talk with them. There was scuffle between the husband of the informant and the accused persons. Upendra Kumar, the driver of the husband of the informant started taking snaps and photographs of the occurrence but the accused persons snatched his mobile. They all took out pistol and made indiscriminate firing in which Ravindra Mishra got firearm injury. The informant further alleged that Rishi Kumar, Dipu Rai(the petitioner), Bindeshwar Rai, Ganpat @ Rishikesh Pandey, Nibhia @ Navin Sharma, Vidhan Rai, Pandey Gope @ Sanjay Rai and Manjay Gope started firing. Others were helping them. Her husband received firearm injury and died on the spot.

Mr. D.K.Sinha, the learned senior counsel for the petitioner submits that the informant did not make any specific allegation against the petitioner or any other accused persons. During the course of investigation, Upendra Kumar, the driver of the deceased, who was present on the place of occurrence, made statement in para 6 of the case diary and disclosed that Rishi Kumar, Dipu Rai, Bindeshwar Rai, Ganpat @ Rishikesh Pandey, Nibhia @ Navin Sharma, Vidhan Rai, Pandey Gope @ Sanjay Rai and Manjay Gope and others fired which hit on the head of the deceased and thereafter all the accused persons fled away on the motorcycle. Ravindra Mishra also received firearm



injury. Anil Singh, Gorakh Kumar in para 19 and 20, Ranjan Kumar in para 21, Ramnath Pandit and others have made omnibus and general allegation. Bindeshwar Rai, one of the co-accused who is alleged to have fired was granted anticipatory bail by order dated 08.01.2020 passed in Cr. Misc. No.61804 of 2019 by a co-ordinate Bench of this Court. Manjay Rai @ Manjay Gope, Vidhan Rai and Navin @ Nibhia @ Navin Sharma have already been granted bail in Cr. Misc. No.80062 of 2019, Cr. Misc. No.3118 of 2020 and Cr. Misc. No.81027 of 2019 by different co-ordinate Benches of this Court and almost same and similar allegation is made against the petitioner. Thus, the petitioner also deserves bail.

Mr. Harendra Prasad, learned A.P.P. opposed the prayer for bail.

Perused the F.I.R. and the case diary. The informant is the widow of the deceased. The informant alleged that eight persons namely, Rishi Kumar, Dipu Rai, Bindeshwar Rai, Ganpat @ Rishikesh Pandey, Nibhia @ Navin Sharma, Vidhan Rai, Pandey Gope @ Sanjay Rai and Manjay Gope made indiscriminate firing. Upendra Kumar, the driver of the deceased, who is an eye witness of the occurrence, disclosed that on the construction site, 20-25 persons came and they



picked up quarrel with Mithlesh Kumar Singh. When Mithlesh Kumar Singh took out the order of the Court, the accused persons torn it. The accused persons started firing in which Ravindra Mishra got firearm injury. When Mithlesh Kumar Singh tried to save Ravindra Mishra, Rishi Kumar, Dipu Rai(the petitioner), Bindeshwar Rai, Ganpat @ Rishikesh Pandey, Nibhia @ Navin Sharma, Vidhan Rai, Pandey Gope @ Sanjay Rai and Manjay Gope are alleged to have made indiscriminate firing in which Mithlesh Kumar Singh got 3-4 shots and died. Similarly, Anil Singh in para 19, Gorakh Kumar in para 20 and Ranjan Kumar in para 21 of the case diary named Rishi Kumar, Dipu Rai(the petitioner), Bindeshwar Rai, Ganpat @ Rishikesh Pandey, Nibhia @ Navin Sharma, Vidhan Rai, Pandey Gope @ Sanjay Rai and Manjay Gope and stated that they all fired. From perusal of post-mortem report, it appears that deceased got as many as four wound of enteries. From perusal of the order passed in Cr. Misc. No.61804 of 2019, it appears that anticipatory bail was granted considering the fact that petitioner was only the member of the mob and allegation of firing is against other accused persons. Similarly, in Cr. Misc. No.81027 of 2019, Cr. Misc. No.80062 of 2019 and Cr. Misc. No.3118 of 2020, the accused persons were granted bail as no specific



allegation is made against them but the facts remain that all the witnesses who deposed during the course of investigation in para 6, 19, 20 and 21 have invariably stated that eight persons made indiscriminate firing including the petitioner. Pandey Gope @ Sanjay Rai is also alleged to have fired and his prayer for bail was rejected by an order passed in Cr. Misc. No.79263 of 2019. Therefore, I am not persuaded to follow the order granting bail to other four accused persons as there is very specific allegation that the petitioner and others made indiscriminate firing and the deceased himself got four wound of enteries caused by firearm besides Ravindra Mishra who also got firearm injury.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J)**

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