

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12454 of 2021

Arising Out of PS. Case No.-143 Year-2004 Thana- GHORASAHAN District- East
Champaran

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SURESH RAI, SON OF RAJENDRA RAI, R/o village- Dhum Nagar, P.S.-
Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Ram Chandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 21-10-2021 Heard learned counsel for the parties.

The instant application has been preferred for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the thirteen named accused persons are stated to have come variously armed. It is further stated that the petitioner was carrying a pistol. The accused Ram Bilas Rai, Suresh Rai (petitioner) and Ramesh Rai are stated to have fired hitting the younger daughter of the informant who fell down unconscious. The cause of occurrence is previous land dispute.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of



pending land dispute which would be evident from the FIR itself. The petitioner is in custody since 18.9.2020 and undertakes to cooperate in the trial. The case of the petitioner stands on a similar footing to that of co-accused Ramesh Rai who has been enlarged on bail vide order dated 4.11.2015 passed in Cr.Misc. No. 31138 of 2015.

The application for bail is opposed by learned APP for the State who submits that in an FIR of the year 2004, the petitioner continued to abscond till he was arrested after 16 years. The trial is already proceeding.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the fact that against the case registered in the year 2004 the petitioner was taken into custody only on 18.9.2020 as also the fact that from the report with respect to the trial received from the learned trial court two prosecution witnesses have been examined, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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