

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15491 of 2021

Arising Out of PS. Case No.-83 Year-2017 Thana- RAGHOPUR District- Vaishali

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Jagbali Ray @ Jagwali Rai S/o Ram Slok Ray @ Ram Slok Rai R/o Village-
Mirampur, P.S.- Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kr. Sinha, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 15-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner Sri Shivendra Kr. Sinha and the learned APP for the State Ms. Anita Kumari Singh.

The present petition is by way of fourth attempt at the behest of the petitioner for grant of bail in connection with Raghapur PS case no. 83 of 2017 under Section 302/34 of Indian Penal Code, Section 27 of Arms Act and Section 30(a) of



Bihar Prohibition and Excise Act, 2016.

The allegation is that the accused persons including the petitioner herein had arrived at the cow shed of the informant carrying a bag full of liquor and had tried to consume the liquor at that place, whereafter the informant and his son are stated to have objected to the same resulting in altercation between both the parties, whereupon the co-accused person namely Dashrath Rai had exhorted the petitioner to kill the son of the informant and then the petitioner is stated to have fired at the son of the informant resulting in the son of the informant receiving gun shot injury. The son of the informant is stated to have been taken to the hospital where he was declared dead upon arrival.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 28.03.2018 and there is no progress in the trial.

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

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, this Court is of the view that there is no change in circumstance from the day, the prayer of the petitioner



for grant of bail was rejected earlier, till date, hence no ground has been made out for reconsideration of the prayer of the petitioner for grant of regular bail. Moreover, the petitioner is the main assailant who is stated to have fired on the son of the informant, resulting in his death. Considering the accusation and gravity of the offence committed by the petitioner, coupled with the fact that there is no change in circumstance, I do not find any merit in the present case, accordingly the present petition stands dismissed.

(Mohit Kumar Shah, J)

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