

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16587 of 2020**

Arising Out of PS. Case No.-589 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

Shahil Rayeen @ Bhawani @ Bhawani Rayeen Son of Badaruddin Rayeen @
Badarudeen Rain Resident of Village - Bhabua Ward No. 10, P.S.- Bhabua,
Distt - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Rajani Kant Pandey, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar, APP
For the Informant	:	Mr. Rajesh Kumar, Advocate. Mr. Vinod Kumar, Seth, Advocate.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

11 07-12-2021 The petitioner seeks regular bail in connection with

Excise Case No. 873 of 2019 arising out of Bhabua P.S. Case
No. 589 of 2019 for the offence punishable under Sections
302/120(B)/34 of the Indian Penal Code, Sections 27, 25(1-b)
a, 26 of the Arms Act and Section 37(1) of Bihar Prohibition
and Excise (Amendment) Act, 2018. .

The allegation is regarding the accused persons
including the petitioner herein having assaulted and fired upon
the deceased, resulting in his death. The petitioner herein is
alleged to be the main assailant, who had fired on the deceased
resulting in his death.

The Ld. Senior counsel for the petitioner, Shri



Yogesh Chandra Verma has submitted that the petitioner is innocent and has been falsely implicated in the present case. Shri Verma has further submitted that there is no eye witness to the alleged occurrence and the petitioner has been falsely implicated in the present case, especially in view of the fact that several accused persons were present at the place of occurrence and it cannot be pinpointed that the petitioner was the main assailant. The learned Senior counsel for the petitioner has also submitted that the victim had died on account of having met with an accident. The petitioner is stated to be in custody since 3rd October, 2019.

Per contra, the learned APP appearing for the State, Shri Ashok Kumar, has vehemently opposed the prayer for regular bail and has referred to paragraph no. 8 of the case diary to show that while the deceased was being taken to the Hospital, he had disclosed that the petitioner is the main assailant, who had fired upon him. He has also referred to paragraphs no. 72 and 123 of the case diary to show that eye witnesses have also supported the occurrence. Lastly he has referred to paragraph no. 128 of the case diary to show that the call detail report also suggests that the mobile being carried by the petitioner was located at the said place of occurrence. The



learned counsel for the informant, Shri Rajesh Kumar, has also vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and the materials available on record as also taking into account the fact that prima facie case is definitely made out against the petitioner of having engaged in gruesome murder, I do find any merit in the present petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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