

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28302 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- RAGHOPUR District- Vaishali

=====

LALI RAI @ LAL BABU RAI S/o Late Nagina Rai R/o village-
Purusotampur (Pirmahamad), P.S.- Rustampur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Adv

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 05-08-2021

Heard learned counsel for the parties.

Petitioner apprehends his arrest in **Raghopur P.S.**

Case No. 138 of 2020 registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Informant in his written complaint has alleged that on 18.09.2020 at about 12:00 noon when he went on his ancestral land, he found petitioner alongwith FIR named accused variously armed ploughing his field by Tractor and when he protested then Mithilesh Rai, Awadhesh Rai, Dinesh Rai, Suresh Rai ordered to kill him and thereafter Mukesh Rai and Lali Rai (petitioner), took out rifle and revolver from the house of Suresh Rai and shot his cousin brother Sanoj Rai on account of which he sustained fire arm injury on his neck and also assaulted

Informant by the butt of the rifle and when the lady female members came to rescue they were also assaulted.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case due to land dispute. Allegations are general and omnibus in nature. There is no any specific allegation of overt act against the petitioner. Petitioner has got no criminal antecedent.

Considering the fact that there is direct allegation of firing upon the petitioner and in the injury report the Doctor has found fire arm injury on the person of the victim, I am not inclined to grant anticipatory bail to the petitioner.

Hence, the prayer for anticipatory bail of the petitioner is hereby rejected.

However, it is observed that if petitioner surrenders before the court below and prays for regular bail, his application for regular bail will be considered and disposed of preferably on the same day, without being prejudiced by this order.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--