

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31435 of 2020

Arising Out of PS. Case No.-590 Year-2019 Thana- MANER District- Patna

Shyamakant Rai, aged about 35 years, Male, Son of Late Rajnandan Ray,
Resident of Village Khaspur, P.S. Maner, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Abhay Kumar Singh, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP
For the Informant	:	Mr. Rajesh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-01-2021 Heard Mr. Abhay Kumar Singh, the learned counsel
for the petitioner, Mr. Nand Kishore Prasad, the learned
Additional P.P. and Mr. Rajesh Kumar Sinha, the learned
counsel appearing on behalf of the Informant.

The petitioner seeks bail in Maner P.S. Case No.590
of 2019, registered under Sections 147, 148, 149, 387, 307, 302,
504 and 506 of the Indian Penal Code and under Section 27 of
the Arms Act.

The informant named as many as 25 persons and also
disclosed that the named accused along with 20-25 unknown
persons having armed with different weapons and firearms came
to the construction site and started demolishing the wall of the
informant. When the informant objected, Himanshu Rai fired



from his rifle which hit Ranjan Kumar, the nephew of the informant, in his abdomen. Shyamakant Rai, the petitioner, fired which hit Harendra Rai, a labour, in his chest. Harendra Rai died on the spot. Jai Prakash Rai fired at Upendra Narayan Rai, the cousin of the informant, which hit on the right hand and Ravindra Rai fired at Rajkumar, the cousin of the informant, which hit in his abdomen.

Learned counsel for the petitioner submits that there is *bona fide* land dispute between both sides. The informant was forcibly making construction over the disputed land, but it appears that there is specific allegation against the petitioner and others that they fired and two persons died on account of firearm injury. The petitioner is also alleged to have fired on a labour who died on the spot.

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

If the case is not committed to the court of sessions, the learned Judicial Magistrate, who is in seisin of the case, is directed to commit the case to the court of sessions forthwith and thereafter the learned Sessions Judge/Additional Sessions Judge in whose court the case is transferred is directed to hold



the trial on day to day basis and conclude the same within one year from the date of framing of charge.

The Senior Superintendent of Police, Patna is directed to ensure the attendance of the prosecution witnesses in the trial court so that the trial must be concluded within one year from the date of framing of charge.

If the trial is not concluded within one year from the date of framing of charge, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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