

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30022 of 2020

Arising Out of PS. Case No.-288 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SUDHARSHAN KUMAR ROY @ SUDARSHAN KUMAR Son of Ram
Kalyan Rai R/o- Village- Basudeopur, P.S.- Begusarai Muffasil, District.-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-01-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Begusarai Muffasil P.S.
Case No. 288 of 2019, registered for the offence punishable
under Sections 147, 148, 149, 302 of the Indian Penal Code and
section 27 of the Arms Act.

As per the prosecution case, on 08.06.2019 at about
5.00 pm, while the informant along with his brother Rajeev Rai
was working in the field, in the meantime, this petitioner along
with other co-accused and three unknown persons variously
armed arrived and started indiscriminate firing upon the
informant's brother Rajeev Kumar Rai, as a result of which he
fell down on the ground and thereafter, co-accused Lalo Rai and



Purushottam Kumar also made indiscriminate firing, leading to his death.

It is submitted on behalf of the petitioner that petitioner is innocent has falsely been implicated in this case due to previous enmity. Petitioner has also lodged a case against the deceased in the year 2018. It is further submitted that though the informant claimed to be eye witness, but as a matter of fact, he does not appear to be eye witness, as he was not present at the place of occurrence. Deceased was a veteran criminal and he might have been killed by some rival gang. Moreover, co-accused Purushottam Kumar has been regular bail by a coordinate Bench of this court vide order dated 05.03.2020 passed in Cr. Misc. No. 75322 of 2019. Petitioner is in custody since 24.07.2019 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific allegation against this petitioner that initially it was the petitioner who made indiscriminate firing upon the deceased. It is further submitted that as per the postmortem report, deceased sustained seven firearm injuries.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-



named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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