

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32228 of 2020

Arising Out of PS. Case No.-317 Year-2019 Thana- RIVILGANJ District- Saran

AWADHESH RAI Son of Ramji Rai Resident of Village - Chhotka
Brahmpur, Satgharwa, P.S. - Bhagwan Bazar, District - Saran at Chhapra.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Yashraj Bardhan, Advocate.
For the State : Mr. Tarun Prasad Mandal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 26-04-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection
with Bhagwan Bazar P.S. Case No.317 of 2019 registered under
Sections 302/34 of the Indian Penal Code, pending in the court
of Sri Pramod Ranjan, Judicial Magistrate, First Class, Saran at
Chhapra.

The accusation is that on 15.10.2019 at about 01.00
P.M., Vikrama Rai, the father of the informant Munna Rai, had
gone to Deoria with his Thela (trolley) from Chhapra. When the
father of the informant proceeded for Chhapra from Deoria and
reached near Deoria, then 7 persons, named in the F.I.R.,
including the petitioner stopped the father of the informant and



some of them including the petitioner caught hold of him. In the meantime, Pampi Rai alias Babloo Rai opened fire from his Katta, which hit the left side of waist of the father of the informant, due to which the father of the informant fell down there sustaining injury. The father of the informant was rushed to Sadar Hospital Chhapra for treatment from where he was referred to Patna but he died in the way, while he was being taken to Patna.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that, in fact, the informant is not an eye witness to the occurrence and no specific overt act is attributed to the petitioner.

The occurrence appears to be taken place in the way where the deceased, the father of the informant, was caught hold by the F.I.R. named accused including the petitioner and, thereafter, one of the co-accused, namely, Pampi Rai alias Babloo Rai shot fire at him.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is



directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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