

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.32293 of 2020

Arising Out of PS. Case No.-103 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. DINESH RAI Son of Kuldeep Rai @ Kuldip Rai Resident of Village - Kapan, P.S.- Bibhutipur, Distt.- Samastipur.
2. Anmol Rai Son of Yogendra Rai @ Bhukhal Rai Resident of Village - Kapan, P.S.- Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh
Mr. Vijay Anand
For the Opposite Party/s : Smt. Asha Devi
Mr. Anshu Dhar Sharma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 08-02-2021 Vakalatnama filed on behalf of the informant is taken on record.

Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State of Bihar and learned counsel representing the informant.

This application for regular bail arises out of Bibhutipur P.S. Case No. 103 of 2020, disclosing the offence punishable under Sections 307/34/447 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, in the background of land dispute, the persons named in the FIR including these petitioners had



entered into the informant's house armed variously. There is specific allegation against the petitioners of having opened fire. The injury report supports the case of the prosecution, as is evident from the case diary.

Learned counsel appearing on behalf of the petitioners has submitted that the occurrence appears to have taken place in a fit of rage and there was no intention to kill. He has further argued that as the petitioners have remained in custody since 08.05.2020, no useful purpose would be served if they are allowed to remain in custody further and suffer incarceration pending trial. He has next submitted that there is a counter-case registered in respect of the same occurrence giving rise of Bibhutipur P.S. Case No. 72 of 2020 in which the prosecution's side has been made accused.

Be that as it may, considering the direct accusation against these petitioners of having opened fire which is corroborated by the injury report and the informant has claimed to be an eye-witness, I am not inclined to grant the petitioner's privilege of regular bail for the present.

This application is accordingly rejected.

The court, however, expects expeditious conclusion of the trial. The petitioners shall be at liberty to approach this



Court again renewing their prayer for bail after six months, if
there is no substantial progress at the trial.

Rajesh/-

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(Chakradhari Sharan Singh, J)

