

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34852 of 2020**

Arising Out of PS. Case No.-136 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

BIJENDRA RAI Son of Lal Mohar Rai Resident of Village - Mahakampur
Bara, P.S.- Muffasil, District - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma,Sr.Advocate Mr.Manoj Kumar,Advocate
For the State	:	Mr.Kumar Veerendra Narayan,APP
For the Informant	:	Mr.Umesh Kumar Verma,Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 06-07-2021 Heard Mr. Ramakant Sharma, learned Senior Counsel
for the petitioner, Mr. Umesh Kumar Verma, learned counsel for
the informant and Mr. Kumar Veerendra Narayan, learned APP
for the State.

The petitioner in the present case is seeking regular
bail in connection with Ara Muffasil P.S. Case No. 136 of 2020
registered for the offences punishable under Section 147, 148,
149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code and
Section 27 of the Arms Act.

Learned Senior Counsel for the petitioner submits that
in the First Information Report there is an allegation that this
petitioner had fired upon one of the deceased, namely, Triloki
Shankar Rai. It is, however, his submission that the FIR has



been lodged with a delay which will be evident from the fact that the inquest report was prepared on 04.05.2020 at about 11:30 P.M. but by that time, the name of the assailant was not disclosed, the FIR was seen by learned Chief Judicial Magistrate, on 06.05.2020 which indicates that the FIR was lodged with some delay and then by way of after-thought the name of this petitioner has been added.

In this connection, learned Senior Counsel submits that the information with regard to the occurrence was received in the police station on 04.05.2020 at 07:45 P.M. but the FIR was lodged on 05.05.2020 at 00:30 A.M. and this delay has been shown just to explain the one day delay in lodging of the FIR and sending to the concerned court.

Learned Senior Counsel, therefore, submits that it is a case of false implication, according to him, nobody has seen the alleged occurrence as it was dark and both the sides seem to have entered into a scuffle, hence the petitioner deserves bail.

On the other hand, learned counsel for the informant and learned APP for the State have opposed the prayer for regular bail of the petitioner. It is their submission that in the First Information Report there is a specific and direct allegation against this petitioner. This petitioner had fired upon the



deceased Triloki Shankar Rai on his head and the post mortem report of the deceased corroborates the allegation. It is submitted that the contention of learned Senior Counsel regarding the delay in lodging of the FIR or sending the same to the concerned court may be decided only in course of trial. It is further pointed out that this petitioner has got two criminal antecedents.

Considering the facts and circumstances of the case and upon noticing that there is a direct allegation of firing upon the deceased Triloki Shankar Rai against this petitioner and the same finds corroborated from the post mortem report of the deceased, as also that the petitioner has got two criminal antecedents, it is a case in which two persons have been killed in the alleged firing by the petitioner's side, this Court is not inclined to release the petitioner on regular bail. The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

