

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33985 of 2020**

Arising Out of PS. Case No.-297 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Baldev Rai @ Baldev Roy, aged about 50 years, S/o Late Nandan Rai R/o
village- Rupauli, Banghara, P.S.- Musarigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh, Advocate
For the State : Mr. Tapeswar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 09-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Rana Sanjay Kumar Singh, learned counsel
for the petitioner and Mr. Tapeswar Sharma, learned Additional
Public Prosecutor (hereinafter referred to as the ‘APP’) for the
State.

3. The petitioner apprehends arrest in connection with
Samastipur (Muffasil) PS Case No. 297 of 2020 dated 10.07.2020,
instituted under Sections 302/120B of the Indian Penal Code and
27 of the Arms Act, 1959.

4. The allegation against the petitioner is of being
involved in the killing of the deceased, Manmohan Jha.

5. Learned counsel for the petitioner submitted that as
per the FIR itself the only reference to the petitioner is that the



deceased had earlier told informant that the petitioner wanted to get him killed. Learned counsel submitted that in the FIR it has been stated that there were four accused who had come on two motorcycles and they had opened fired which ultimately killed Manmohan Jha and those persons were not the petitioner. It was submitted that neither any motive nor any role has been assigned to the petitioner and only on suspicion he has been made an accused. Learned counsel submitted that the petitioner has no criminal antecedent. It was further submitted that the petitioner also had no enmity, either with Manmohan Jha or even the informant Keshav Kumar.

6. Learned APP submitted that in the FIR it has clearly been stated that the deceased had told the informant of his apprehension that the petitioner would get him killed and one of the persons who actually took part in the killing was the son of the petitioner. It was submitted that the son of the petitioner had even stated to co-accused Sonu Jha that they had taken revenge of his father against the deceased. Learned counsel submitted that the petitioner does not claim any enmity with the informant and, thus, there is no reason for him to have falsely implicated him and what he had said about the petitioner that the deceased himself had told



him that the petitioner wanted to get him killed, cannot be said to be false and also cannot be brushed aside, at least at this stage.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, on prayer made by learned counsel for the petitioner, it is observed that if the petitioner appears before the Court below and prays for bail, within four weeks from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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