

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37001 of 2020

Arising Out of PS. Case No.-84 Year-2020 Thana- MUSRIGHRARI District- Samastipur

Munna Kumar @ Munna Rai @ Munna Ray, Male, Aged about 38 years, Son of Ramlakhan Rai @ Ramlakhan Ray, Resident of Village Suapakar, P.S. Mushrigharari, District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Shahi, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-03-2021 Heard Mr. Sandeep Shahi, the learned counsel for the petitioner and Mr. Awadhesh Kumar Singh, the learned Additional P.P.

The petitioner seeks bail in Mushrighrari P.S. Case No.84 of 2020, registered under Sections 302, 307, 326, 341 and 120B of the Indian Penal Code and under Section 27 of the Arms Act.

The informant is the father of the deceased. The informant alleged that Shashi Rai, Rajesh Pal, Pawan Rai, Ravi Yadav and Kishan Kumar stopped the construction work of the road and demanded extortion. The son of the informant protested. Thereafter the accused persons were in search of the son of the informant to kill him. The son of the informant was



also objecting the illegal liquor business of the accused persons. On the date of occurrence, the accused persons including the petitioner came and made indiscriminate firing killing the son of the informant on the spot. Two persons, namely, Arvind Kumar Rai and Shankar Rai were also injured in the indiscriminate firing made by the accused persons.

Mr. Sandeep Shahi, the learned counsel for the petitioner submits that of course Maheshwar Rai, the informant named the petitioner and other accused persons and alleged that the petitioner, Shashi Rai and others made indiscriminate firing, but during the course of investigation, Shankar Rai, the injured in the incident did not even name the petitioner as assailant. It is further submitted that some of the witnesses has also not named the petitioner. There is allegation that all the accused persons including the petitioner made indiscriminate firing with Carbine and with other weapons, but the deceased sustained only five injuries. This fact also shows that the informant did not disclose the true manner of occurrence, but from perusal of the FIR itself, it appears that Maheshwar Rai, the father of the deceased, made specific allegation that the petitioner, Shashi Rai and others made indiscriminate firing killing his son on the spot and while the accused persons were retreating, they also made firing



in which Arvind Kumar Rai and Shankar Rai sustained firearm injuries. The informant and witnesses categorically stated that the petitioner, Munna Kumar @ Munna Rai @ Munna Ray also fired at the son of the informant killing him on the spot. From the postmortem report, it appears that the deceased got as many as five wound of entry. It is quite possible that many shots were aimed at the son of the informant but all shots may not hit the son of the informant.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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