

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5252 of 2021

Arising Out of PS. Case No.-75 Year-2019 Thana- ATHMALGOLA District- Patna

RAJIV KUMAR SON OF SURENDRA RAI @ SULLI RAI @ SULI RAI
R/O VILLAGE- KAMRAPUR, P.S.- ATHMALGOLA, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Dr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Athmalgola P.S. Case No. 75 of 2019 registered under sections 307, 147, 148, 149, 448 and 504 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per allegation in the F.I.R., while the father of the informant was sleeping at the 'bathan', it is stated that the five named accused persons including the petitioner herein came there and the petitioner fired from his pistol in the eye/head of the father of the informant leading to his death.

It is submitted by learned counsel for the petitioner



that the allegations as levelled in the F.I.R. are false and concocted. There is no eye witness to the occurrence and the informant reached the alleged place of occurrence much after the occurrence. It is further submitted that in course of investigation the wife of the deceased has come out with a completely different story to the effect that she was also sleeping along side her husband. It is submitted that a number of co-accused have been enlarged on bail. The petitioner is in custody since 14.9.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner is the assailant.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having shot with his pistol in the eye/head of the father of the informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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