

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2494 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- PATORI District- Samastipur

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Nandu Ray @ Nandu Rai @ Nandu Kumar Son of Kailash Roy Resident of
Village- Kala Diyara, P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 14-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Shahpur Patori @ Patori (Mohanpur O.P.) P.S. Case No. 76
of 2021, registered for the offences punishable under
Sections 147, 148, 149, 302 and 447 of the Indian Penal
Code and Section 27 of Arms Act.

The prosecution case as emerges from the F.I.R. is



that when the informant and his uncle Bidya Rai was harvesting in the field, the petitioner along with his associates, armed with deadly weapons, came there and started firing on them. It is further alleged that on the order of one Sanjay Rai, the petitioner opened fire upon Bidya Rai, causing death to him.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the information of the informant is not true as it is clear from the another sanha lodged by one Vaskit Kumar giving information of offence of murder at the same place and at the same time but this sanha does not mention the death of the alleged victim Bidya Rai nor does the present FIR disclose the alleged murder of Ram Niwash Rai as informed by Vaskit Kumar.

It is also stated in paragraph no. 2 of the petition that petitioner has earlier moved before this Court for grant of anticipatory bail vide order dated 08.03.2022 passed in Cr. Misc. No. 50747 of 2021 case.

It has further been stated that the petitioner has



earlier been made accused in one more case.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that this is a case of alleged murder and victim has died. He further submits that this is not disputed that the informant is close relative of the victim who has named the present petitioner as assailant who allegedly caused death of victim Bidya Rai by firearms. Even investigation is complete and charge-sheet has already been submitted against him.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on bail at this stage.

The prayer for bail is accordingly rejected.

However, the Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of two years, the petitioner is at liberty to renew his prayer for bail.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a



period of ones month and the Registry is directed to issue
the certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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