

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4287 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Dhirendra Rai @ Dhirendra Ray @ Barka Boua @ Gani Rai Son of Yogendra Rai @ Yogendra Ray Resident Of Village- Bakhri Bujurg, P.S.- Musrigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Anirudh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-09-2022 Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Musrigharari P.S. Case No. 97 of 2021 registered for the offence under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 31.10.2021.

The allegation against the petitioner is to commit murder of the husband of the informant, alongwith other co-



accused due to previous enmity, founded over local political rivalry.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, rather information is based upon hearsay version of the driver of deceased, creating a doubt over entire accusation. It is further submitted that nothing incriminating surfaced from the possession of the petitioner, which may connect the petitioner with the present allegation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that witnesses, specifically, stated during the course of investigation, as mentioned in paragraph nos. 12, 13 and 14 of the case diary, that petitioner fired upon the head of the deceased from very short range, causing his death.

In view of the facts and circumstances, as mentioned above, as there is specific allegation against the petitioner to fire upon the deceased, causing death, this Court is not inclined to



grant bail to the petitioner, at present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to conclude the trial within a period of nine (09) months from the date of receipt of this order, by taking the matter on board, on day to day basis for expeditious disposal of trial.

Senior Superintendent of Police, Samastipur, is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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