

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6682 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- RAGHOPUR District- Vaishali

NITISH RAY S/o Ramesh Rai Resident at Present Village- Mohanpur, P.S.-
Raghopur, District- Vaishali. Old Address- R/o Village- Miranpur, P.S.-
Raghopur, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Soni Kumari

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-09-2022 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 302/34 of the Indian
Penal Code and u/s 27 of Arms Act.

As per the prosecution case, this petitioner along with
other FIR named accused persons and 10 unknown accused
persons, armed with weapons, came and took away the son of
informant. It is further alleged that the accused persons tied the
hands and feet of the deceased and shot him dead in the wheat
field north of Mallikpur.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the case
due to old enmity. Petitioner's side has earlier filed Raghopur PS



case No. 14/2021 against the son of informant and to save his skin from that case the informant has filed the present case. The informant is not an eye witness of the occurrence and he refused to make any statement at the place of occurrence which goes to show that present F.I.R. has been lodged after deliberation.

Learned counsel appearing for the State and the informant opposed the prayer for anticipatory bail and submitted that Rahul Kumar, one of the eye witness of the occurrence, who was accompanying the deceased, in his statement in paragraph 7 of the case diary as well in his statement u/s 164 of the Cr. P. C. has categorically stated that this petitioner along with other accused persons brutally assaulted the deceased and thereafter shot him dead.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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