

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9296 of 2022

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

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ALOK RAI Son of Navdeep Rai Resident of Village - Mallikpur, P.s.-
Raghopur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Soni Kumari

For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-10-2022 Heard learned counsel for the petitioner and the

State.

Petitioner apprehends arrest in registered for the
offences punishable under Section 302, 34 of the Indian Penal
Code and section 27 of the 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 for the petitioner submits that the
petitioner has falsely been implicated in this case due to old
anemity. There is no eye witness of the occurrence. IO has not



found sign of commission of offence on the alleged place of occurrence. There is general and omnibus allegation of assault against all the accused persons and no specific overt act has been alleged against the petitioner. It is stated in paragraph 3 of the bail petition that the petitioner has got clean antecedent.

Learned counsel for the State opposes the prayer for bail submitting that there is specific allegation that the petitioner and the other accused persons committed murder of informant's son. He further submits that one 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 specific allegation against the petitioner, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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