

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30065 of 2021

Arising Out of PS. Case No.-223 Year-2013 Thana- RAJPUR District- Buxar

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RAJNISH RAI @ CHANDAN RAI S/o Subhashchandra Rai Resident of
Village- Dihri, P.S. - Rajpur, Dist. - Buxar (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Sharma, Adv

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with
S.Tr.No.117 of 2014 arising out of Rajpur P.S.Case No. 223 of
2013, registered for the offence under Sections
147,148,149,302 of the Indian Penal Code and Section 27 of
Arms Act.

The prosecution case, as per the fardbeyan of Ram
Dayal Rai recorded by S.I. Raj Kumar of Rajpur Police Station,
is to the effect that on 23.11.2013 at 4.00 P.M., the brother of the
informant, namely, Agnideo Rai and Srinath Adhish alias Pandit
went to village Sayar after crossing the river Karmnasa. The
informant was waiting for their return. As soon as the boat
reached near the embankment of the river, 12 miscreants came



on a motorcycle and no sooner than the brother of the informant got down from the boat, co-accused Guddu Rai fired first and thereafter co-accused Mantu Rai and Ramesh Rai fired, as a result, the brother of the informant fell down and started writhing in pain. Srinath Adhish who was accompanying the brother of the informant, after seeing his friend being shot at, jumped into the river but he too was shot at by the petitioner, as a result, he died on the spot.

Earlier the prayer for bail to the petitioner was refused vide order dated 25.06.2020 in Cr. Misc. No.70197 of 2019.

Vide order dated 24.11.2021 a report was called for regarding stage of the trial.

The report of the learned Trial Court would reveal that the case is pending at the stage of prosecution evidence and all five prosecution witnesses including informant have been examined and three witnesses including I.O. and Doctor are to be examined. As per report dated 27.11.2021, the next date was on 30.11.2021.

Considering the aforesaid fact, I am not inclined to enlarge the petitioner on bail in connection with S.Tr.No.117 of 2014 arising out of Rajpur P.S.Case No. 223 of 2013 pending in the court of learned A.D.J.-III, Buxar.



Prayer is refused.

(Rajesh Kumar Verma, J)

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