

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26948 of 2022

Arising Out of PS. Case No.-275 Year-2020 Thana- GOPALPUR District- Gopalganj

Guddu Rai @ Amresh Rai Son of Late Gorakh Rai, R/o village - Semrawn,
P.S.- Mirganj, District – Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Advocate.
	:	Mr. Satyendra Rai, Advocate.
For the Opposite Party/s	:	Mr. Ajay Kumar No.2, APP.
For the Informant	:	Mr. Sanjay Singh, Sr. Advocate.
	:	Mr. Rajesh Kumar Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 15-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 275 of 2020, lodged under Sections
302, 307/34 of the Indian Penal Code read with Section 27 of
Arms Act.

As per prosecution case, the F.I.R. has been lodged
against 6 named accused persons. The specific allegation against
the present petitioner alongwith other 3 accused persons to
made indiscriminate firing upon the deceased who died.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that the point of alibi is in favour of petitioner, because at the said date and time when the occurrence is alleged to take place, the petitioner was present at distant place, where *panchayati* was going on. Learned counsel further submits that petitioner is in custody since 29.11.2020. He also submits that there are in total 16 criminal cases relating to the petitioner but he has been acquitted in 12 criminal cases (from serial no.1 to 12 as mentioned in paragraph no.3 of application) and only 4 criminal cases (from serial no.13 to 16 as mentioned in paragraph no.3 of application) are pending against the present petitioner. Learned counsel for the petitioner further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that case diary as well as the report relating to progress of trial have been called for, by which, it transpires that out of 7 witnesses, examination of 4 witnesses has already been taken place.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that from the contents of F.I.R., it transpires that there is a specific and direct allegation

against the present petitioner of indiscriminate firing. He further submits that the plea of alibi is not a strong plea, rather it is a weak plea. He also submits that the charge sheet has been filed and the conclusion of supplementary charge sheet is also against the present petitioner. Learned counsel further submits that the post-mortem report supports the allegation made in the F.I.R.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, bail application of petitioner is hereby **rejected**.

However the Court conducting the trial is directed to conclude the trial preferably within 3 months from the date of passing of this order. If trial shall not be concluded within 3 months, then liberty is hereby granted to the petitioner to renew his prayer for bail.

(Dr. Anshuman, J.)

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