

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47538 of 2021

Arising Out of PS. Case No.-408 Year-2020 Thana- KOILWAR District- Bhojpur

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Krishna Rai, Son Of Kishundeo Rai Resident Of Village - Durjanchak, P.S.-
Koilwar, Dist.- Arrah.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baxi S. R. P. Sinha- Sr. Advocate
		Mr. Prem Ranjan Kumar- Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-03-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with Koilwar
P. S. Case No.408 of 2020, instituted for the offences under
Sections 147, 148, 149, 341, 323, 307, 302, 427, 379, 504 and
506 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 29.12.2020, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant alleges that on account of dispute relating to
community hall, the accused persons, who were variously armed



started assaulting the informant. It is further alleged that Vijay Kumar fired at the informant, Mithilesh Rai fired at Shivanand, Ashok Rai fired at Deepak, Rahul fired at Nitish Kumar and Om Prakash and Krishna Rai (petitioner) fired at Siyaram Rai (deceased). It is further alleged that the accused persons also threatened the informant's side and stole some money from the house of Ram Pujan.

The learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case and it is not humanly possible that when firing at this level is being made, the informant with certainty can allege that who fired hitting him. The learned senior counsel further submits that in the F.I.R., it is alleged that this petitioner fired from his rifle at Siyaram Rai, but from the post mortem report, it would manifest that pellet injuries were found all over the neck of the deceased and as such, the injury does not suggest that the firing was made by rifle. It is thus submitted that the informant for some ulterior reason has falsely implicated the petitioner.

Learned A.P.P. opposes the bail application and submits that the allegation against this petitioner and Om Prakash is of firing at Siyaram, who subsequently died. It is



submitted that it is true that the gun injuries received does not with certainty justify that the firing was made by rifle, but then it was not possible for the informant in the nature of occurrence, which took place to say with certainty that what kind of weapon was used by the petitioner and other accused persons, but then the death is a certainty.

Considering the submissions made by the learned counsel for the State, the Court is not inclined to grant bail to the petitioner for the present.

(Satyavrat Verma, J)

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