

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51667 of 2021

Arising Out of PS. Case No.-229 Year-2021 Thana- SONEPUR District- Saran

Ram Lakhan Rai, Son of Krishna Gopal Rai Resident of Village - Jahangirpur
Dudhaila More, P.S. - Sonapur, District - Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.

For the Opposite Party/s : Mr.Nagendra Pras, APPad

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 25-04-2022 Heard counsel for the petitioner, State as well as
counsel for the informant.

The petitioner is in judicial custody in connection with Sonapur P.S. Case No.229 of 2021 registered under Sections 302/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The informant is the father of the deceased who has alleged in the FIR that on 01.05.2021 the petitioner was strolling in the field and after sometime, he heard '*hulla*' that he has been shot at and killed by the accused persons. The informant and his family members rushed to the field and saw his son's body lying in the field. He was taken to the nearby Referral Hospital at Sonapur where the Doctor declared him dead. He has attributed the previous animosity with the petitioner to be the cause of the killing of his son.



On 31.03.2022, this Court had called for the case diary, which has been received.

Learned counsel for the petitioner submits that although the informant has attributed previous animosity due to the killing of the petitioner's brother earlier but a bare perusal of the FIR (that has been annexed as Annexure-2) shows that the informant's son was not named an accused in that case and as such in absence of the motive, the case against him false-flat. He further submits that the employee of the petrol pump had given statement that the petitioner was at a different place and as such cannot be the accused of this case.

The learned counsel for the State has perused the case diary and he has drawn attention to this Court of para-10 of the case diary where the witness Jitu Kumar has stated that he was strolling with the deceased when he saw three persons on a *Apache* motorcycle started firing and he recognized one of them as the petitioner herein. He has further stated that while he chose to flee away, he saw Sonu Kumar failed to flee from the place and fell on the ground. Further in para-35 of the case diary, it has been stated that the alleged *Apache* motorcycle was recovered from the house of the petitioner. Learned counsel for the informant endorses the submissions made by the learned



counsel for the State.

In view of the fact that one of the witness has named this petitioner as a person who opened fire on Sonu Kumar (deceased), this Court for the present is not inclined to grant him the privilege of bail. The bail application is accordingly rejected.

The Trial court is directed to expedite the Trial and take the same to its logical conclusion at earliest.

(Rajiv Roy, J)

Prakash Narayan /-

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