

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70285 of 2021**

Arising Out of PS. Case No.-275 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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PRAKASH RAI @ PRAKASH RAY SON OF SAKALDEV RAY @
SAKALADEV RAY R/O VILLAGE- RAGHUNATHPUR, P.S.- SAHEBPUR
KAMAL, DISTRICT- BEGUSARAI.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Binod Kumar, Advocate.
For the State	:	Mr. Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 20-07-2022 This is an application for grant of bail in Crime No.275 of
2019 (S.T. No.356 of 2021) registered with Police Station-
Sahebpur Kamal for the offences punishable under Sections
302, 307 read with 34 of the Indian Penal Code as well as under
Section 27 of the Arms Act.

Earlier bail application of the applicant was rejected with
a liberty to him to move afresh if the trial is not concluded
within one year. It is reported that the trial has not commenced
even after a lapse of one year

Heard the learned counsel for the applicant. He argued
that though the first informant claims to be an eye witness and
attributes firing of bullets to applicant Prakash Rai and his
brother Dhiraj Rai, there is a witness, who has stated that the



bullet fired by applicant Prakash Rai pierced the body of the deceased and hit body of Deepika Kumari, who happens to be daughter of the deceased. Therefore, according to the learned counsel for the applicant, evidence collected during investigation is not believable. It is further reported that the deceased was criminal and somebody else might have eliminated him.

The learned A.P.P. opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.

Gunjan Kumari Gunjan is the first informant of the subject crime. She claims to be an eye witness to the murder of her husband Pawan Rai and attempt to commit murder of her daughter Deepika Kumari. She alleged that co-accused Sakaldeo Ray had exhorted and directed his sons Prakash Rai and Dhiraj Rai to kill Pawan Rai. Thereupon, Prakash Rai fired a bullet which hit Pawan Rai causing his death whereas Dhiraj Rai fired a bullet which hit Deepika Kumari.

Even if it is considered that there is a witness who is saying that only one bullet was fired by the present applicant which hit Pawan Rai as well as his daughter Deepika, then also, it is apparent that the applicant is the main assailant.



Considering the fact that eye witnesses are attributing role of firing at the deceased to the present applicant, no case for grant of bail is made out. The application is, therefore, rejected.

The trial court is directed to expedite hearing of the trial as per its own calendar.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant.

(A. M. Badar, J)

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