

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20124 of 2022

Arising Out of PS. Case No.-190 Year-2021 Thana- MAKER District- Saran

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BHARAT RAY SON OF HARI RAY @ HARIHAR RAY R/O- VILLAGE-
PIRMAKAER DIHI, P.O.- PIRMAKER, P.S.- MAKER, DISTRICT- SARAN
AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Nalin Kumar, Advocate
For the Opposite Party/s	:	Mr.Murli Dhar, APP
For the informant	:	Mr. Udai Shankar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Maker PS case no. 190 of 2021 instituted for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

The case of the prosecution in brief is that on 08.10.2021 at about 10 in the morning, one Anshu Kumar @ Doman Ray had called the son of the informant on his mobile phone and had told him to come near the Shiv temple, whereafter, the son of the informant along with others had gone to the alleged place of occurrence, where the petitioner and his other accomplice were present. It is further alleged that an



altercation had taken place amongst the parties and then the petitioner had taken out a pistol from his waist and fired gun shots on the son of the informant namely Dibesh Kumar, resulting in his death.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 10.01.2022. The learned counsel for the petitioner has further submitted that on account of previous land dispute, incident in question has taken place, however, there was no intention on the part of the petitioner to kill anyone.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that various eye-witnesses are present in the case, whose statements have been recorded by the police during the course of investigation, as would be apparent from paragraph 45 of the case diary, hence, there is no iota of doubt that the son of the informant namely Dibesh Kumar was killed by the petitioner, who had fired gun shots on him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that the complicity of the petitioner in the alleged crime is writ large and the petitioner is *prima facie* involved in killing the son of the informant, hence, I do not find any merit in the present petition, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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