

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25280 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BIHIA District- Bhojpur

1. KRISHNA RAI Son of Hirra Lal Rai Resident of Village - Sunderpur, Barja, P.S.- Bihiya, District - Bhojpur
2. Radha Mohan Rai Son of Hirra Lal Rai Resident of Village - Sunderpur, Barja, P.S.- Bihiya, District - Bhojpur
3. Niraj Rai Son of Radha Kishun Rai Resident of Village - Sunderpur, Barja, P.S.- Bihiya, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Mohan Kumar Sinha
For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in connection with Bihiya P.S. Case No. 313 of 2022 instituted for the offence under Sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, the informant alleged that while his father was ploughing his field, in the meantime, the petitioners along with other co-accused persons came there and started abusing them. After that these petitioners fired indiscriminately upon the father of the informant and his brother due to which they sustained gun shot injury. The injured persons



were taken to hospital for treatment but informant's father died in the way.

Learned counsel for the petitioners submits that the petitioners are innocent and committed no offence. Both the parties have litigating terms due to which these petitioners have falsely been implicated in the present case. It is further submitted that general and omnibus allegations leveled against all these petitioners and no specific overt act is attributed against any of them. Moreover, the petitioner nos. 1 & 3 are languishing in judicial custody since 16.11.2023 and petitioner no.2 is from 9.1.2023.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted from perusal of case diary as well as FIR that there is direct allegation against these petitioners who shot fire indiscriminately upon the informant's brother and his father as a result of which informant's father died. As per postmortem report, pellets wound was found on the head, upper limb, chest and neck of the deceased Shankar Rai by the doctor and cause of death is opined due to the wounds found on the vital part of his body. It is also submitted that during investigation witnesses of this case have also supported the prosecution.



Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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