

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26683 of 2022

Arising Out of PS. Case No.-506 Year-2021 Thana- SONEPUR District- Saran

Krishna Rai (Male), aged about 24 years, Son of Hero Rai @ Randhir Rai,
Resident Of Village- Paharichak, P.S- Sonpur , Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Senior Advocate
		Mr. Adarsh Singh, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 03-01-2023 Heard learned senior counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Sonepur P.S. Case No. 506 of 2021 dated 30.08.2021 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 302, 504, 506 of the Indian Panel Code and 27 of the Arms Act.

Learned senior counsel for the petitioner submits that there is an allegation that the petitioner has beaten the dog of the informant which was objected to by one Ram Jatan. The same has led to retaliation by the petitioner along with other named accused persons who had come variously armed and assaulted the prosecution party. It is alleged that the petitioner and one co-accused Prem Kumar @ Chhotu Rai had fired upon the informant's father. The informant's father has succumbed to his injuries on the next day.

Learned senior counsel submits that the F.I.R. has been lodged one day after the occurrence. It is further submitted that from the narration of allegations, offences under Section 302 of the Indian Panel Code (for brevity 'I.P.C.') are not made out. The allegation of firing by two persons is not corroborated by the post-mortem report.



Learned APP has opposed the prayer, referring to the case diary which was called for earlier. It is apparent from the narration of events, that it is the petitioner who had beaten up the dog and the F.I.R. contains allegations primarily against the petitioner and the others are alleged to be aiding and assisting him. The submission insofar as the post-mortem not corroborating the allegation, this Court would observe that the specific fire arm injury is attributed against the petitioner, the same has to be viewed in the background of the allegations made in the F.I.R.

The period of custody is stated to be since 21.12.2021.

Considering the rival submissions, as also the fact that the petitioner is a man of criminal antecedent, this Court, for the purposes of grant of bail, is not inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is rejected.

(Madhuresh Prasad, J)

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