

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28978 of 2023

Arising Out of PS. Case No.-215 Year-2021 Thana- TARARI District- Bhojpur

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DINESH RAY@ SURESH RAY Son of Late Ram Kishun Ray Resident of
village - Kushumahi, P.S. - Tarari, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Adv.
For the Opposite Party/s	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Anand Kumar Ojha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 17-05-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Tarari P.S. Case No. 215 of
2021 dated 18.11.2021 registered for the offences punishable u/s
302 read with section 34 of the Indian Penal Code and 27 of
Arms Act.

As per the prosecution case, the petitioner and the
other co-accused persons holding lathi, danda, bricks and stones
started assaulting the informant's husband. During that assault



the co-accused Pankaj Kumar holding pistol also threatened to kill. In the meantime, the co-accused Bachano Kumari came with a rifle and gave it to the petitioner and the petitioner fired five shots on the informant's husband causing his death. Previously the petitioner and the co-accused persons had also assaulted the informant's husband.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on mere suspicion. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 23.11.2021.

Learned counsel for the Informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner and as per the post-mortem report, the doctor has opined that the deceased died on the spot due to gunshot injuries. As per seizure list, five empty cartridges were recovered from the place of occurrence which were fired by the petitioner that is consistent with the inquest report. Learned counsel has further submitted that the prayer of bail of the petitioner has already been rejected by this Hon'ble Court *vide*



order dated 18.10.2022 passed in Cr. Misc. No. 37801 of 2022.

Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner. I am not inclined to enlarge the petitioner above-named on bail.

Learned trial Court is directed to expedite the trial and conclude the same at the earliest.

The application stands rejected.

(Chandra Prakash Singh, J)

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