

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44488 of 2023**

Arising Out of PS. Case No.-150 Year-2013 Thana- SAHEBPUR KAMAL District- Begusarai

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Birju Rai, Son of Babulal Rai, Resident of Village - Raghunathpur, P.S. - Sahebpur Kamal, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                           |   |                               |
|---------------------------|---|-------------------------------|
| For the Petitioner/s      | : | Mr. Sabal Kumar Jha, Advocate |
| For the Opposite Party/s: |   | Ms. Veena Kumari Jaiswal, APP |
| For the Informant         | : | Mr. Deepak Kumar, Advocate    |

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

- 2      25-07-2023                      1. Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.
2. Petitioner seeks regular bail in connection with S.T. No. 460 of 2023 arising out of Sahebpur Kamal P.S. Case No. 150 of 2013 dated 16.08.2013 registered for the offences punishable under Sections 147, 148, 149, 326, 302 of the Indian Penal Code and Section 27 of the Arms Act.
3. As per prosecution, this petitioner is alleged to have caused the death of the informant's son by opening indiscriminate firing at him along with his associate namely Amal Rai.
4. The main submissions advanced by the learned counsel for the petitioner are that the FIR clearly goes to show



that the informant is not the eye-witness of the commission of the alleged murder and due to village politics the petitioner's name was dragged and he has been languishing in jail since 28.01.2023.

5. Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that there is a serious and specific allegation against this petitioner and after institution of the FIR he remained abscond for a long period and the instant matter relates to the year 2013 and petitioner was arrested on 28.01.2023 and during the period of absconding he remained involved in three other criminal cases also which shows his criminal nature and he is stated to be one of the main assailants.

6. Heard both the sides and perused the FIR and order impugned. The instant matter relates to murder of informant's son and petitioner is named in the FIR, though there are seven accused persons including the petitioner who have been named in the FIR but against this petitioner there is a specific allegation of having fired at the deceased indiscriminately and as per the order impugned the petitioner has remained abscond for a long period and the instant matter relates to the year 2013 and he was arrested on 28.01.2023 after issuing the permanent arrest



warrant. Considering these facts and petitioner’s criminal background and also the fact that after the institution of the FIR, he remained involved in three other criminal cases detailed in the order impugned, in my opinion it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

7. The trial court is directed to expedite the trial of the petitioner and take steps to conclude the same in next eighteen months.

**(Shailendra Singh, J)**

Rajiv/-

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