

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49787 of 2023

Arising Out of PS. Case No.-589 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

SHAHIL RAYEEN @ BHAWANI @ BHAWANI RAYEEN Son of
Badaruddin Rayeen @ Badarudden Rain R/v- Bhabhua, ward no. 10, P.S. -
Bhabhua, Distt. - Kaimur at Bhabhua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Shukla, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-08-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Bhabhua P.S. Case No.589 of 2019, registered for offence punishable under Sections 302, 120B and 34 of the Indian Penal Code and Sections 27, 25(1-b)a and 26 of the Arms Act and Section 37(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018, inasmuch as the earlier petitions filed by the petitioner for grant of regular bail have not found favour with this Court.



The allegation is regarding the accused persons including the petitioner herein having assaulted and fired upon the deceased, resulting in his death. The petitioner herein is alleged to be the main assailant, who had fired on the deceased resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 03.10.2019 and there is no possibility of the trial being concluded in the near future, hence the petitioner be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that this Court, in its order dated 07.12.2021, passed in Criminal Miscellaneous No.16587 of 2020, has taken into account the materials available in the case diary, which definitely point out towards the complicity of the petitioner in the alleged crime, i.e. gruesome murder of the deceased.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that prima facie case is definitely made out against the petitioner of having engaged in gruesome murder, apart from the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, I do not find any merit in the present petition, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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