

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48387 of 2023

Arising Out of PS. Case No.-742 Year-2020 Thana- MADHAURAH District- Saran

1. Bhim Rai Son Of Jaleshwar Rai Resident Of Village - Tehati, P.S. - Marhowrah, District - Saran
2. Gajendra Kumar Rai @ Rajendra Kumar Rai @ Bhakura Son Of Satendra Rai Resident Of Village - Tehati, P.S. - Marhowrah, District - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Basant Kumar Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-08-2023 The present petition has been filed to renew the prayer for grant of bail to the petitioners which was earlier rejected vide order dated 21.06.2022 passed in Cr. Misc. No. 35675 of 2021.

The prosecution case as per F.I.R is that on 18.08.2020, six persons including the petitioners came riding on three motorcycles, called the deceased and shot fire at him, as a result of which, he sustained gunshot injuries and succumbed to the injuries during treatment.

It is submitted by learned counsel for the



petitioners that petitioners are innocent and they have falsely been implicated in this case. For the alleged occurrence of 18.08.2020, the F.I.R was registered on 22.08.2020 without explaining the delay. The informant is not the eye witness to the occurrence. A statement has been made in para 3 of the petition that petitioners have no criminal antecedents.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific allegation of firing against the petitioners due to which the deceased sustained gunshot injuries and died. The prosecution witnesses have supported the case of the prosecution. The postmortem report also suggests that death is due to firearm injuries.

Considering the fact that earlier the prayer for anticipatory bail of the petitioners was rejected on merits and no new ground has been raised by the learned counsel for the petitioners to take a different view in the



matter, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

The prayer for grant of bail to the petitioners stands rejected.

The petitioners are directed to surrender before learned Court below and pray for regular bail which shall be considered by the learned Court below without being prejudiced by the order of this Court.

(Sunil Kumar Panwar, J)

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