

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62271 of 2022

Arising Out of PS. Case No.-428 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Ramashankar Rai @ Mangal Rai S/O Lal Babu Rai @ Lal Babu Ray Resident
of Village- Ghanshyampur, Dharharwa Urf Parn Dharharwa, Runnisaidpur,
P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 24-04-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is not named in F.I.R. and
apprehended his arrest in connection with Runnisaidpur P.S.
Case No. 428 of 2021 G.R. No. 3082 of 2021 registered for the
offences punishable under Sections 302, 34 of the Indian Penal
Code (in short 'I.P.C.') and Section 27 of Arms Act.

As per F.I.R., two named co-accused persons along
with four unknown persons committed the murder of husband of
informant due to previous enmities by opening indiscriminate



firing.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not the same Mangal Rai, who is alleged by the prosecutions to be involved in present crime in question. It is further submitted that the occurrence is of village- Tharar, whereas petitioner is the resident of village- Ghanshyampur. It is submitted that the name of petitioner first time surfaced in para 14 during the course of investigation out of previous enmities. It is also submitted that petitioner is a man of clean antecedent and nothing surfaced during the course of investigation, as now, which may suggest involvement of petitioner.

Learned APP, while opposing the prayer of bail submitted that wife of the informant and witness Kanchan Devi while recording their statement in para 14 and 15 of the case diary specifically named this petitioner to drive motorcycle, rider of which opened indiscriminate firing causing death of husband of informant, who appears to be an eye witness of the occurrence. It is further submitted that their statement clearly suggest active participation of petitioner, where investigation of this case is yet to complete.

Considering the aforesaid facts and circumstances and



by taking note of the active participation of petitioner as appears during the course of investigation, as per version of eye witnesses of the occurrence, the prayer of anticipatory bail of petitioner is rejected herewith.

(Chandra Shekhar Jha, J)

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