

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60211 of 2022

Arising Out of PS. Case No.-80 Year-2017 Thana- PANDARAK District- Patna

Hemant Rai @ Hemansh Rai Son Of Late Raj Kumar Rai R/O Village-
Chamtha Gop Tola, P.S.- Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 13-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.05.2022 in connection with Pandarak P.S. Case No. 80 of
2017, F.I.R. dated 16.09.2017 for the offences punishable under
Sections 147, 148, 149, 353, 307 of the Indian Penal Code and
Sections 25(1-b)a, 26, 27 of the Arms Act.

According to prosecution case, in brief, is that the
informant, namely, Ajit Kumar Singh, P.S.I. posted at Special
Task Force stating therein that on 15.09.2017 a secret
information got in S.T.F. Headquarter that veteran criminal Ram
Janam Yadav and his associates are assaulted with an intention
to commit serious crime. On this information police party
proceeded to Pandarak Diyara and on 16.09.2017 at about 6:00



A.M. police party reached and proceeded towards 200 meters north then criminals have started firing upon the police party thereafter police force also made counter firing. One constable, who fell down because of firing and bullet not peered in the body. He asked to surrender them but the firings continued. Criminals have committed about 75 rounds of firing. After about two hours the criminal entered into the river and escaped from there. The police made seizure of all the seized weapons which belongs to criminals. They have identified as Ram Janam Yadav, Pappu Mahto, Ajay Yadav, Heman Rai (petitioner), Manoj Rai, Biski Rai, Yugo Rai and 6-7 unknown.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that as per allegation as alleged in the F.I.R. is that more than 150 round firing was from both side and in such circumstances the police has identified one of the accused as petitioner and the petitioner was not arrested at the spot.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner submits that petitioner carries eight criminal antecedents other than the present one but petitioner is not on bail in any other



cases as stated in Para-3 of the bail petition.

Considering the aforesaid facts, I am not inclined to
enlarge the petitioner on bail in connection with Pandarak P.S.
Case No. 80 of 2017 pending in the court of learned Additional
Chief Judicial Magistrate-I, Barh, Patna.

Prayer is refused.

(Rajesh Kumar Verma, J)

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