

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68440 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- SHAHPUR PATORI District- Samastipur

Narsingh Ray Son Of Neha Rai R/V- Hardaspur, P.S.- Patory, (Mohanpur
O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aprajita

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 22-08-2023 Heard the parties.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 147, 148, 149, 302, 447 of the Indian Penal Code and Section 27 of the Arms Act.

It is a case of commission of murder of two persons namely Vidya Rai and Ram Niwas Rai.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner was initially not named in the F.I.R and his name subsequently came on a petition filed by one Baskit Kumar to Mohanpur



O.P. alleging that this petitioner has shot fire, as a result of which Ram Niwas Rai succumbed to the injuries. There is admitted land dispute between the parties and not a single drop of blood was found at the P.O. For the alleged occurrence, three F.I.Rs have been registered and in the first F.I.R which is the basis of this case, the name of the petitioner is not figured, although the informant is claiming himself as the eye witness to the occurrence. During investigation also, no consistent material evidence has been collected against the petitioner. There is also contradictory statement of the witnesses during investigation. The petitioner is languishing in custody since 07.04.2022.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner that he shot at Ram Niwas Rai, as a result of which, he succumbed to the injuries. The postmortem report also corroborates the



case of the prosecution as against the petitioner. The independent witnesses have also supported the case of the prosecution as against the petitioner.

Considering the fact that there is specific allegation against the petitioner that he shot at Ram Niwas Rai, as a result of which, he succumbed to the injuries, this Court is not inclined to grant bail to the petitioner.

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

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

The appearance of Investigation Officer of this case is hereby dispensed with.

(Sunil Kumar Panwar, J)

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