

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70738 of 2022**

Arising Out of PS. Case No.-195 Year-2021 Thana- BAKHTIYARPUR District- Patna

Devgan Ray, Son of Bhajan Ray, R/v- Teja Bigha P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                     |
|--------------------------|---|-------------------------------------|
| For the Petitioner/s     | : | Mr. Ranjeet Patel, Advocate         |
|                          |   | Mr. Shivendra Kumar Sinha, Advocate |
| For the Opposite Party/s | : | Mr. Jagdhar Prasad, APP             |
| For the Informant        | : | Mr. Abhitabh Kumar, Advocate        |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      19-06-2023                      Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State and learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in Session Trial No. 728/2022 arising out of Bakhtiyarpur P.S. Case No. 195 of 2021 registered for the offence under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 11.01.2022.

The allegation against the petitioner is to commit murder of brother of informant alongwith other co-accused



persons by causing firearm injuries due to long standing land dispute.

Learned counsel appearing on behalf of the petitioner submitted that the allegation of firing is omnibus against this petitioner in view of the statement of independent witnesses as recorded during the course of investigation which is the part of paragraph 61 of the case diary. It is also submitted that though the statement was made to cause firing by two persons, only one firearm injury was noticed during post mortem. It is also submitted that informant as per the statement of this witness not the eye witness of the occurrence and the entire allegation is based out of previous enmities. While concluding the argument, it is pointed out that petitioner is also involved in two more criminal cases, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, and, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel Mr. Abhitabh Kumar, appearing on behalf of the informant while opposing the prayer of bail submitted that the informant is the eye witness of the occurrence and there is no occasion to disbelieve his version as an eye witness. It is submitted that



there is specific allegation against this petitioner to fire upon the chest of the deceased causing his death. It is also pointed out that prior to this occurrence, petitioner made an attempt to cause death of deceased, for which Bakhtiyarpur P.S. Case No. 261/2017 was lodged.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as there is specific allegation of firing against this petitioner, causing death of deceased, accordingly, the prayer of bail of petitioner is rejected herewith for the present, with a direction to learned trial court to conclude the trial within six months of this order by taking this matter on board on day to day basis, if required.

**(Chandra Shekhar Jha, J)**

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