

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7056 of 2024

Arising Out of PS. Case No.-256 Year-2022 Thana- SALIMPUR District- Patna

Sipahi Ray Son of late Ramagya Ray Resident of Village-Satgharba,
Kaladiara, P.S.-Salimpur, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 21-06-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner seeks bail in connection with Salimpur P.S. Case No. 256 of 2022 dated 22.11.2022 registered for the offence punishable under Sections 147, 148, 149, 342, 324, 302, 504 and 506/34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 22.11.2022 at about 07:45 am, the informant's son namely, Sonu was ready for going to school, the informant was standing near his door and saw all the accused persons surrounded his son and Sipahi Ray and Jawahar Ray were armed with Rifles. The informant shouted and said his son to flee away but in the meantime, Sipahi Ray fired from his Rifle on the son of the informant who



received bullet injury on the left side of his armpit. Subsequently, he fell down and died.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that from the bare perusal of the post-mortem report of the deceased, it is evident that the wound of the entry and exit has been caused by pistol not by the rifle. It is further submitted that petitioner has been implicated falsely so that he may give up his claim over the land in dispute with the informant and his family. Lastly, it has been submitted that the petitioner is in custody since 27.09.2023, having six criminal cases against him and charge-sheet has been submitted in the case.

5. Learned counsel for the informant submits that as per the F.I.R., Sipahi Ray fired from his rifle on the son of the informant, who received the bullet injury and allegation of firing is also against co-accused namely, Jawahar Ray. Learned counsel further submitted that there is a specific allegation against Sipahi Ray. The injury sustained by the deceased is as follows:-

(i). Entry wound of bullet – 2" below the left armpit size ½" in diameter.



(ii). Exit wound of bullet – 2 ½" below the right armpit
size 1 ¼" in diameter.

6. Learned A.P.P. for the State opposes the prayer for bail
of the petitioner. He submits that injury report of the deceased
according to post-mortem report seems to be grievous in nature
and the death of the deceased is caused by firearm injuries.

7. Since there is specific allegation against the petitioner
of firing from his rifle on the son of the informant which caused
his death, I am not inclined to grant bail to the petitioner.

8. Accordingly, the prayer of the petitioner for grant of
bail is **rejected**.

9. The learned Trial Court is directed to take all
endeavour to conclude the trial within one year from the date of
receipt/production of a copy of this order without granting any
unnecessary adjournment.

10. This application stands dismissed.

(Khatim Reza, J)

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