

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19741 of 2024

Arising Out of PS. Case No.-215 Year-2021 Thana- TARARI District- Bhojpur

Dinesh Ray @ Suresh Ray Son of Late Ram Kishun Ray Resident of Village-
Kushumahi, P.S.- Tarari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in a case registered under section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the other co-accused persons holding *lathi*, *danda*, bricks and stones started assaulting the informant's husband. During that assault the co-accused Pankaj Kumar holding pistol also threatened to kill. In the meantime, the co-accused Bachano Kumari came with a rifle and gave it to the petitioner and the petitioner fired five shots on the informant's husband causing in his death.



Previously the petitioner and the co-accused persons had also assaulted the informant's husband.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has got no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 23.11.2021.

5. Learned APP for the State has vehemently opposed the bail petition of the petitioner submitting that there is specific allegation against the petitioner and as per the post-mortem report, the doctor has opined that the deceased died on the spot due to gunshot injuries. As per seizure list, five empty cartridges were recovered from the place of occurrence which was fired by the petitioner. It is further alleged that earlier also the prayer of regular bail of the petitioner was already rejected twice by this Court vide order dated 18.10.2022 passed in Cr. Misc. No. 37801 of 2022 and vide order dated 17.05.2023 passed in Cr. Misc. No. 28978 of 2023 on merit.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the



petitioner above-named on bail.

7. The learned trial court is further directed to expedite the trial and conclude the same at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

Ranjeet/-

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