

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24744 of 2024

Arising Out of PS. Case No.-22 Year-2011 Thana- BEUR District- Patna

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Brajesh Kumar @ Lakhaan Rai @ Brajesh Kumar Rai @ Ram Lakhan Rai
S/o Sri Laxmi Rai R/O VILL/MOH-BISHUNPUR PAKRI, PATNA , P.S. -
BEUR Distt. - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

5 18-07-2024 I have already heard the learned counsel for the parties.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections, 307 and 120(b)/34 of the IPC including Section 27 of the Arms Act, with subsequently Section 302 of the IPC being added, registered in connection with Beur P.S.Case No. 22 of 2011.

3. As per prosecution case, on 23.01.2011 at about 4.30 p.m., the father of the informant was going home by Sumo Victa vehicle. The petitioner and co-accused persons armed with rifle, gun and country made pistol, came there and on order of co-accused Laxmi Rai, the petitioner and his brother Raj Kumar Rai and Staish Kumar @ Pappu fired at the deceased, who



suffered injuries on his right shoulder and right neck. The deceased was brought to Rajeshwari Hospital, Patna, and in course of treatment, he died. Initially, the case was registered under Sections 307/120(b)/34 of the Indian Penal Code and Section 27 of the Arms Act, but after the death of the deceased Section 302 of the IPC was added on 24.01.2011.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and has committed no offence. He was a warden and at the time of occurrence he was posted in Mandal Kara, Dipnagar, Biharsharif, Nalanda. It has also been submitted that his two brother Raj Kumar Rai and Staish Kumar @ Pappu have been granted bail by this Court in the years 2011 and 2013 respectively. By some papers, a plea of alibi has also been taken.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. It is true that two brothers of the petitioner have been granted bail by the then coordinate Bench of this Court in the years 2011 and 2013, respectively, but the petitioner remained absconding and the case was lingered for a considerable period of time due to his abscondence.



7. Considering the above facts and circumstances of the case and also keeping in view the fact that the petitioner is involved in two other cases as well, I am not inclined to grant the petitioner the privilege of bail, which is hereby rejected.

8. The trial court is directed to expedite the trial and conclude the same, as early as possible.

(Nawneet Kumar Pandey, J)

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