

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33319 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- WARISNAGAR District- Samastipur

Rajiv Ray @ Rajiv Kumar @ Rajeev Ray S/O Ramlal Ray Resident Of
Village Bhagirathpur Police Station Kalyanpur District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-05-2024 Heard Mr. Nilendu Kumar Choudhary, learned
Advocate for the petitioner and learned Additional Public
Prosecutor for the State.

2. Mr. Mahendra Pratap, the learned Advocate appears
and submits that he has received *vakalatnama* on behalf of the
informant and the same shall be filed today itself.

3. The petitioner apprehends his arrest in connection
with Warisnagar (Mathurapur O.P.) P.S. Case No. 18 of 2024,
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

4. Allegedly, while the informant along with his
maternal grand son were going to court on a tempo to get their
deposition recorded, in the meantime, all the FIR named
accused persons, including the petitioner, intercepted the tempo.



It is specifically alleged that the petitioner and co-accused Bhola Rai took out the pistol from their waist and started indiscriminate firing, resulting into the death of the grand son of the informant.

5. Learned counsel for the petitioner referring to the FIR firstly contended that there is omnibus allegation of firing and it has not been disclosed that at whose firing the death has taken place. He further drew the attention of this Court to paragraph nos. 7 and 8 of the bail application and referring thereto he submits that in fact the petitioner was one of the witness in Sessions Trial No. 91 of 2020 which ended in the conviction of the deceased and the son of the informant. In fact the present case has been instituted only with a view to wreak vengeance. Learned counsel further contended that out of six cases instituted against the petitioner, four cases have been instituted by the family members of the informant and this clearly demonstrates that a long standing enmity is pending between the parties and the present case is nothing, but the offshoot of the long standing enmity.

6. On the other hand, learned counsel for the State as well as the informant vehemently opposed the bail application and submitted that the informant is the eye witness to the



alleged occurrence, who has specifically alleged that it is the petitioner and Bhola Rai who made indiscriminate firing causing fatal injury.

7. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation of causing firing leading to death and the criminal antecedent of the petitioner, this Court is not persuaded to accede to the prayer for anticipatory bail of the petitioner.

8. Accordingly, the application stands rejected.

(Harish Kumar, J)

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