

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41238 of 2024

Arising Out of PS. Case No.-449 Year-2022 Thana- MUNGER MUFFASIL District- Munger

Bana Rai Son of Late Sikandar Rai Resident of Village - Raghunathpur, P.S.-
Sahebpur Kamal, District -Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Jha, Advocate

For the Opposite Party : Mr. Satyendra Narayan Singh, APP

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

ORAL ORDER

3 29-08-2024 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Muffasil P.S. Case No. 449/2022 dated 15.12.2022 registered for the offence punishable u/s 302 and 201 read with section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 14.12.2022 at 3.30 P.M., when the informant along with his associates was irrigating wheat crops, the petitioner and the co-accused persons surrounded the informant's father and the petitioner and the co-accused persons, Pandav Rai and Dhananjay Rai



shot the informant's father dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the alleged occurrence. There is no specific allegation of any overt act against the petitioner. The other co-accused person has already been granted bail by this court *vide* order dated 17.08.2023 passed in Cr. Misc. No. 49205/2023. The petitioner has four criminal antecedents out of which one case is related to similar nature of offence as stated in para 3 of the bail petition. The petitioner is in custody since 16.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting the specific allegation of firing is against the petitioner and co-accused persons. As per the post-mortem report, the cause of death is haemorrhagic shock and injury to vital organ that's brain as a result of above mentioned injury caused by firearm.

6. Considering the aforesaid facts and circumstances of the case as well as the specific allegation



of firing against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Muffasil P.S. Case No. 449/2022 pending in the court of learned ACJM-II, Munger.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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