

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57679 of 2024

Arising Out of PS. Case No.-747 Year-2019 Thana- BUXAR District- Buxar

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Bulli Rai @ Bhulli Rai @ Prem Prakash Rai @ Bullu Rai @ Bholi Rai son of
Late Ravindra Rai Village- Koerpurva Ps- Buxar Town Dist- Buxar A/O- Flat
No-135, Saket Nagar Colony Nariyar Ps- Lanka Dist- Varansi U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate
		Ms. Josi Priya, Advocate
		Mr.Hansraj, Advocate
		Mr. Davendra Kumar Pandey, Advocate
For the Opposite Party/s :		Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-09-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Buxar P.S. Case no. 747 of 2019 registered under sections 302, 307, 147, 148, 149, 448 and 120B of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that on 21.10.2019, Sarangdhar Rai along with ten to fifteen members of his family broke his boundary wall and started to abuse him. On 22.10.2019 at about 10 a.m., when the informant's relatives had gathered at his place on the occasion of birthday of his daughter, the ten named accused persons



including the petitioner herein came variously armed and resorted to indiscriminate firing. The shot fired by the petitioner hit Ragwendra Pratap Singh while the shot fired by co-accused Rishu Rai hit Surjit Singh. As a result of indiscriminate firing, a passer-by was also injured. The injured were taken into hospital for treatment where they had been admitted. In course of treatment Ragwendra Pratap Singh died while the condition of the other injured is serious and the doctors have referred him to Banaras. The third injured person has been sent back home. As such the F.I.R.

4. Learned Senior counsel appearing for the petitioner submitted that the earlier prayer for anticipatory bail of the petitioner was dismissed as withdrawn vide order dated 1.2.2021 passed in Cr. Misc. no. 1739 of 2020 and the second application was dismissed vide order dated 15.12.2021 passed in Cr. Misc. 67121 of 2021. This is the third application for anticipatory bail on behalf of the petitioner. It is submitted that on investigation the police found the accusation against the petitioner to be not correct and accordingly, final report was submitted against the petitioner on 31.12.2020 showing the petitioner to be not sent up. However, differing with the same cognizance has been taken against the petitioner in the learned



Court below vide order dated 22.2.2021. The revision preferred against the order taking cognizance has been rejected by the learned 4th Additional District & Sessions Judge, Buxar on 28.11.2022. The police having submitted final report not sending up the petitioner for trial, the petitioner be granted anticipatory bail.

5. The application for bail is opposed by learned APP for the State who submits that the prayer for anticipatory bail of the petitioner with respect to the instant case has already been rejected on two earlier occasions vide orders dated 1.2.2021 and 15.12.2021.

6. Heard learned counsel for the parties. The allegations against the petitioner in the F.I.R is that as a result of firing resorted to by the petitioner, Raghwendra Pratap Singh sustained firearm injury and died. Though final report was submitted against the petitioner not sending him up for trial, the learned trial Court, differing with the same, took cognizance in the case against the petitioner vide order dated 22.2.2021. In the opinion of this Court the petitioner has not made out a case for grant of anticipatory bail.

7. It may be noted here that so far as the final report dated 31.12.2020 on which the petitioner is laying great stress in



the instant application is concerned, this contention was available to the petitioner on the date of consideration of both the earlier applications for anticipatory bail which were dismissed as withdrawn on 1.2.2021 and the subsequent application was dismissed on 15.12.2021. The petitioner not having preferred any appeal against the earlier orders and having renewed his prayer for anticipatory bail for the third time after more than two and half years, the same is clearly an abuse of the process of the Court.

8. The third application for anticipatory bail of the petitioner in connection with Buxar P.S. Case no. 747 of 2019 is rejected and the petitioner is directed to surrender in the learned trial Court within a period of four weeks.

(Partha Sarthy, J)

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