

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56828 of 2024

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

Rajeev Rai @ Rajeev Kumar @ Rajeev Ray, Son of 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. N. K. Agrawal, Sr. Advocate Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP
For the Informant	:	Ms. Vaishnavi Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 20-12-2024 Heard Mr. N. K. Agrawal, learned Senior Advocate

along with Mr. Nilendu Kumar Choudhary, learned Advocate

for the petitioner and learned APP for the State. The informant is

represented through Ms. Vaishnavi Singh, learned Advocate.

2. The petitioner seeks regular bail, who is in custody
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.

3. Based upon the Fardbeyan of the informant, the
prosecution alleges that 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 F.I.R. named
accused persons, including the petitioner, intercepted the tempo.
It is further alleged that the petitioner and co-accused Bhola Rai
wiped out their pistol and started indiscriminate firing, causing



death of the grand son of the informant.

4. Learned Senior Advocate representing the petitioner referring to the F.I.R. contended that apart from the fact that omnibus allegation of firing has been levelled against all the accused persons; the post-mortem report does not corroborate the prosecution case, inasmuch as all the bullet injuries, which are said to be four in number, have been found from the back side of the deceased. Drawing the attention of this Court to paragraph 8 of the bail application, it is further contended that the petitioner has regularly been dragged by the informant and his family members in several criminal cases for not giving evidence, particulars of which have been duly mentioned therein. It is further contended that the informant and his family members are in the habit of lodging the F.I.R. against him. It is lastly contended that the deceased was a veteran criminal, having six criminal antecedents over his head. Though the petitioner is also facing six criminal cases but he is on bail in all the cases. It is also the contention of the learned Senior Advocate for the petitioner that earlier the petitioner had come before this Court for grant of anticipatory bail and when his prayer has been negated, he immediately surrendered before the court below.



5. On the other hand, learned APP for the State and the informant vehemently oppose the bail application and submit that the F.I.R. only disclose that the deceased was sitting in front of the seat of the tempo and it has not been alleged that the firing was made from the front side only; moreover one of the entry of the bullet injury has been found over the chin of the deceased. Learned Advocate for the informant further contended that the petitioner is carrying six criminal antecedent, as has been disclosed in paragraph no. 3 of the bail application. There is specific allegation against the petitioner of causing fire-arm injury to the grand son of the informant which proved fatal.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation of causing fire-arm injury, leading to the death of the deceased, coupled with the criminal antecedent of the petitioner, this Court is not acceded to the prayer of the petitioner for grant of bail. Accordingly, the prayer for grant of bail is rejected.

7. It is expected that the learned trial court shall take all endeavour to conclude the trial expeditiously.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

