

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74412 of 2023

Arising Out of PS. Case No.-24 Year-2013 Thana- AKILPUR District- Patna

Shambhu Ray Son Of Goverdhan Ray Resident Of Village- Harsham Chak,
Ps- Akilpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary. Earlier the
anticipatory bail of the petitioner was rejected by order dated
23.06.2017 passed in Cr. Misc. 16098 of 2017.

2. The petitioner seeks bail in Akilpur P.S. case No.
24 of 2013 instituted for the offences under Sections 307,
302, 34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. Prosecution allegation, in short, is that while the
informant along with brother was on the way on motorcycle, the
accused persons including the petitioner started firing upon
them. The petitioner fired upon the brother of the informant
which hit on his chest and thereafter Santosh Rai and others



also fired upon the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The informant is not the eye witness of the occurrence. There is delay of four hours in lodging the case. In this case, firstly the dead body was sent for post-mortem and after initial investigation, the case was registered. Learned counsel for the petitioner further submits that the petitioner is in custody since 19.12.2022 and remanded in this case on 22.03.2023 and has five criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that the petitioner is main assailant. Specific allegation of firing is attributed against the petitioner. Learned APP, referring to paragraph 43 of the case diary submits that the witness stated that the petitioner fired on the chest of the deceased and thereafter other accused persons also fired on the informant. The post-mortem report corroborates with the allegation made in the F.I.R.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and gravity of the offence and the fact that specific allegation of firing is against the petitioner, this Court is not inclined to grant bail to the petitioner.

8. The prayer is rejected. The Trial Court is directed expedite the trial.

(Rudra Prakash Mishra, J)

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