

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67954 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- BAHERI District- Darbhanga

Prajesh Kumar Rai @ Brajesh Kumar Rai @ Tuntun @ Pradeshi S/O Hari Ballabh Rai Resident Of Village-Patour, Police Station-Ashok Paper Mill, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Jaishankar Kumar Yadav, Advocate Mr. Ranjit Kumar Yadav, Advocate Ms. Shashi Priya, Advocate
For the Opposite Party/s :	Mr. Zainul Abedin, APP Mr. Sanjeev Kumar Jha, Advocate Mr. Jayant Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-03-2024 1. Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Baheri P.S. Case No. 219 of 2023 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the OP No. 2, at the outset, submits that petitioner is a dreaded criminal and from perusal of the allegation as alleged in the FIR, it would manifest that indiscriminate firing took place leading to death of three persons in a car but then the driver was saved. It is further submitted that



during the course of investigation, it transpired that the driver was involved in the occurrence and it was at his behest that location of the vehicle of the deceased was given to accused persons who accordingly intercepted the vehicle and made indiscriminate firing leading to death of three innocent lives. It is next submitted that petitioner is such a dreaded criminal that despite Sections 82 and 83 of CrPC process having been issued, he was not arrested but the police in a mechanical manner submitted charge-sheet. It is also submitted that in event if the petitioner is not sent to judicial custody in that event he may threaten the witnesses of the case, it is also submitted that the name of this petitioner transpired in the confessional statement of Gulshan and Satyam at para 355 and 356 of the case-diary, wherein they have categorically stated that this petitioner was also involved along with other accused persons in firing indiscriminately leading to death of three innocent lives.

4. The learned senior counsel appearing on behalf the petitioner submits that the name of the petitioner has transpired based on confessional statement of co-accused in police custody, which does not have any evidentiary value. It is next submitted that now charge-sheet has been submitted as such no useful purpose would be served by sending the petitioner to jail and the



police during the course of investigation never felt the need of arresting the petitioner, on which the learned counsel appearing on behalf of the OP No. 2 reiterates his submission and submits that already process under Sections 82 and 83 Cr.P.C was issued against the petitioner, but then the petitioner could not be arrested as such it appears that based on confessional statement of the co-accused, the charge sheet also came to be submitted against this petitioner, it is also submitted at the cost of repetition that in the event if the petitioner is granted the privilege of anticipatory bail in that event he will threaten the witnesses, it is next submitted that the allegation as alleged in the FIR is serious.

5. Considering the submission made by the learned counsel appearing on behalf of OP No. 2, the court is not inclined to extend the privilege of anticipatory bail to the petitioner.

6. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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