

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72683 of 2023

Arising Out of PS. Case No.-190 Year-2021 Thana- MAKER District- Saran

BHARAT RAI S/O Hari Ray @ Harihar Ray, resident of Village- Pirmaker
Dihi, P.O. Pirmaker, Ps. Maker, Dist. Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate

For the Opposite Party/s : Ms.Rina Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2024 Heard the learned counsel for the
petitioner and the learned APP for the State.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Maker P.S. Case No.190 of 2021 instituted for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code, inasmuch as the earlier petition filed by the petitioner for grant of bail was rejected by an order dated 04.01.2023, passed in Cr. Misc. No.20124 of 2022.

3. The case of the prosecution in brief is that on 08.10.2021 at about 10 in the morning,



one Anshu Kumar @ Doman Ray had called the son of the informant on his mobile phone and had told him to come near the Shiv temple, whereafter, the son of the informant along with others had gone to the alleged place of occurrence, where the petitioner and his other accomplice were present. It is further alleged that an altercation had taken place amongst the parties and then the petitioner had taken out a pistol from his waist and fired gun shots on the son of the informant namely Dibesh Kumar, resulting in his death.

4. The learned counsel for the petitioner submits that the petitioner is languishing in custody since 10.01.2022, hence a sympathetic view be taken and the petitioner be granted bail.

5. *Per contra*, the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has submitted that in the earlier order of this Court dated 04.01.2023, the entire aspect of the matter has been considered, wherein it has been *prima facie* observed that the



materials available on record show that the son of the informant has been killed by the petitioner, who had fired gun shots on him, hence no sympathetic view should be taken by this Court, in the present case.

6. Having regard to the facts and circumstances of the case and taking into account the materials available on record, this Court finds that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of regular bail, specially in view of the fact that the petitioner is prima facie involved in killing the son of the informant, hence I do not find any merit in the present petition, thus the present petition stands dismissed, being bereft of any merit.

(Mohit Kumar Shah, J)

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