

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74757 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- SAHAR District- Bhojpur

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Rabindra Rai, Male aged about 30 years, Son of Late Lalan Rai, Resident of
Village- Nadhi, P.S. Sahar, District Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P. N. Shahi, Sr. Advocate
		Mr. Awadhesh Kumar Pandey, Advocate
		Mr. Gaurav Prakash, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP
		Mr. Radhe Shyam Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 22-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Sahar
PS Case No. 288 of 2022 instituted for the offences punishable
under Sections 341, 323, 506, 307 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per the prosecution case, petitioner along with
co-accused persons fired on the informant's *Fufa*, sustained
bullet injury.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence and has falsely been implicated in this case. Learned counsel for the petitioner further submits that from the FIR, it is crystal clear that the person who said to be sustained firearm injury was not present at the place of occurrence and went to Muzaffarpur for personal work, so the prosecution story is false, concocted and fabricated for ulterior motives and oblique purpose. It is further submitted that no incriminating articles has been recovered neither from the place of occurrence nor from the conscious possession of the petitioner and the whole prosecution story is highly doubtful and suspicious. The wife of the petitioner has also filed a counter case against the informant as well as other co-accused persons under various sections of the Indian Penal Code in which she has stated that the place of occurrence is near his house and her husband was not present at the time of occurrence.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

6. From perusal of the case diary, FIR, injury report of the victim and the impugned order passed by the learned Additional Sessions Judge-VIII, Bhojpur, Ara, dated 20.09.2023, it appears that there is specific allegations against



the petitioner Rabindra Rai, who caused bullet injury upon *Fufa* of the informant namely Shaym Bihari Rai. The seizure list also shows that two cartridges were recovered from the place of occurrence. It also transpires that the supervising authority has found the case true against the petitioner. The injury report shows that the injured Shyam Bihari Rai sustained bullet injury on the left side clavicle measuring 1.5cmx1cm and exit wound on left side back scapular region and a lacerated wound on right side measuring 4cmx1cm and the injuries were found to be grievous in nature. Petitioner is in custody since 01.08.2023, in this circumstances, petitioner is the main assailant who fired two gunshot on the injured and the repeated gunshot blow shows that the petitioner had the intention to kill the injured and the allegation against the petitioner gets sustained with the injury report, I am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is hereby rejected.

8. The trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order with the co-operation of the petitioner. If the trial is not concluded, within the stipulated period, the



petitioner shall be at liberty to renew his prayer for bail before
the trial Court.

(Ramesh Chand Malviya, J)

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