

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84207 of 2024

Arising Out of PS. Case No.-146 Year-2022 Thana- PATEPUR District- Vaishali

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Pankaj Rai @ Pankaj Kumar Son of Kampoter Rai Resident of Village -
Bardiha Turki, Tarvadi, P.O. - Bardiha Turki, P.S. - Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2024 Considering the submission put forward by the

learned counsel for the petitioner, the defect pointed out by

the office stands ignored.

2. The matter has been taken up for consideration.

3. Heard the parties.

4. The petitioner is in judicial custody in connection

with Patepur P.S. Case No. 146 of 2022 for the offence

punishable under Sections 302/34 of the Indian Penal Code

and section 27 of the Arms Act lodged on 09.06.2022 by the

informant, Rajesh Kumar.

5. As per the prosecution story, the informant who

is brother of the deceased and were moving on a Wagon Car



to attend the marriage, allegation is that this petitioner who was sitting in between the three accused riding a motorcycle, opened fire which hit the eyes of his brother who died on the spot. In the FIR, it has also been alleged that this petitioner has earlier threatened the deceased of dire consequences which followed the present occurrence. This led to the FIR.

6. Learned counsel for the petitioner submits that only due to enmity, the brother has named him, he has no role to play in the alleged killing, the charge-sheet already stands submitted and if granted bail, he shall be appearing in trial.

7. Learned APP on the other hand pointed out that the date of occurrence is 08.06.2022, the petitioner is the main assailant, he evaded arrest, filed anticipatory bail application which came to be rejected on 01.12.2022.

8. It is his further submission that even thereafter, he chose not to enter into judicial custody and only two years later on 18.03.2024, he was finally taken into judicial custody thus seriously hampering the investigation/trial.

9. Taking into account the aforesaid facts as also that the petitioner is the main assailant, the eye-witness, brother has alleged that this petitioner opened fire causing immediate death of his brother, the petitioner evaded arrest



despite being the main accused in the case, in that background, no relief can be granted to him.

10. The bail application stands rejected.

(Rajiv Roy, J)

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