

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83524 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- DEWARIA District- Muzaffarpur

Upendra Ray @ Upendra Yadav S/o- Badari Ray @ Badri Ray @ Badari
Yadav resident of Village- Bangra PS- Deoria District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Deoria P.S. Case No. 169 of 2024 dated 28-07-2024, instituted
for the offence punishable under Sections 125(b), 115(2) and
109 of the Bharatiya Nyaya Sanhita, and Section 27 of the Arms
Act.

3. Prosecution case in brief is that on 27-07-2024 two
persons came on a bike and started observing the informant's
house on second floor of which there is branch office of
Annapurna Micro Finance Company. It is further alleged that
after hearing some commotion the informant woke up and
switched on her room's light upon which a man standing near
the window of the informant's house fired a bullet at her, which



barely missed her. The informant identified the man to be Upendra Rai (petitioner). On hearing the sound of firing, the villagers started gathering on which the miscreants ran away.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that due to local village politics and previous enmity the petitioner has been falsely implicated in this case. No firearms was ever recovered either from the conscious possession of the petitioner or from the house of the petitioner. Lastly, it has been submitted that one criminal case is pending against the petitioner.

5. Learned APP has opposed the prayer for bail. It is submitted that there is specific allegation against this petitioner that he was standing near the window of the informant's house and fired a bullet at her, which barely missed her. The informant claims to identify the petitioner who has fired at her. From the seizure list, it would appear that a fired bullet has been recovered near the window of one of the rooms of the informant.

6. Considering the aforesaid facts and circumstances of the case, there being specific allegation against the petitioner, taking into account the seizure list and nature and gravity of the



offence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is rejected.

(Khatim Reza, J)

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