

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3396 of 2025

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

Prajesh Kumar Rai @ Brajesh Kumar Rai @ Pardeshia @ Pardeshi S/O Shree
Hariballav Rai Resident of Village- Patour, P.S.- Patour, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Binit Kumar
For the Opposite Party/s :	Mr.Chandra Bhushan Prasad
	Mr. Rahul Anand
	Mr. Ranjan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-01-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the victim.
2. The petitioner seeks bail 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. Learned counsel for the petitioner submits that the instant FIR was instituted by Kundan Singh with an allegation that they were going to attend a marriage on *Bolero* vehicle when Anil Singh, Manish Singh and Munna Singh were murdered in broad daylight by means of blast firing through firearm. It is next submitted that the FIR was instituted against



unknown. It is further submitted that during the course of investigation, one Gulshan Kumar was arrested and he in his confessional statement disclosed the name of the petitioner as a conspirator. It is next submitted that any confessional statement made in police custody does not have any evidentiary value. It is further submitted that from perusal of the FIR, it would manifest that the *fardbayan* was recorded at 19.30 p.m. on 22.06.2023 and thereafter the FIR came to be instituted on 23.06.2023 at 4 p.m., i.e., after a delay of nearly more than 19 hours, which casts an aspiration on the case of the prosecution.

4. The learned APP for the state and learned counsel appearing on behalf of the victim opposes the prayer for bail of the petitioner. Learned counsel for the victim submits that a gruesome occurrence took place in which three innocent persons were killed in broad daylight. It is further submitted that during the course of investigation, it transpired that the petitioner was also a conspirator in the occurrence based on which the occurrence was committed. It is also submitted that the petitioner has antecedent of 11 cases, on which the learned counsel appearing on behalf of the petitioner submits that the petitioner has been acquitted in six cases and is on bail in the rest of the five cases. The learned counsel for the victim next



submits that process under Section 82 and 83 Cr.P.C was issued against the petitioner during the course of investigation and he was declared an absconder. It is further submitted that the petitioner carries an award of rupees two lakhs on his head as such is a dreaded criminal. It is also submitted that if the privilege of bail is granted to the petitioner, chances are bright that the petitioner may abscond as he was absconding during the course of investigation.

5. Considering the submissions made by the learned counsel appearing on behalf of the victim, the Court is not inclined to release the petitioner on bail.

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

(Satyavrat Verma, J)

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