

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31030 of 2025

Arising Out of PS. Case No.-197 Year-2024 Thana- SAHPUR District- Patna

Devnandan Rai S/o Late Triloki Rai @ Krishnan Rai R/o vill - Madhopur,
P.S.- Shahpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhagya Narayan Jha, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the Informant	:	Mr. Dheeraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Shahpur P.S. Case No. 197 of 2024, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

3. Allegedly, while the brother of the informant was milking his cow, in the meanwhile, four persons riding on two motorcycles reached there and made open firing, due to which his brother sustained two bullet injuries and fell down. On the screaming made by the injured brother, informant rushed to the place of occurrence and saw four persons, namely, Nitish Kumar, Surendra Rai, Santosh Rai and Shiv Rai were fleeing on their motorcycles.



4. Learned Advocate for the petitioner submitted that the petitioner is not named in the FIR and later on, his name has been implicated only on suspicion in order to put undue pressure upon him. It is further submitted that the date on which the occurrence took place, the petitioner was not even present at the place of occurrence and, in fact, at that time his treatment was going on at Delhi. One of the co-accused, namely, Shiv Ray has been accorded the privilege of anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 72688 of 2024 dated 29.10.2024, subject to the condition that the process of Sections 82 and 83 have not been issued, a copy of which has also been produced before this Court.

5. On the other hand, learned Advocate for the State and the informant vehemently opposed the pre-arrest bail application and, on instruction, submitted that the process under Sections 82 and 83 has already been issued. Learned Advocate for the informant placed a certified copy of the FIR bearing Shahpur P.S. Case No. 471 of 2023 and submitted that the petitioner was made accused in the aforesaid case of causing death of the son of the informant and this fact has been suppressed by the petitioner in paragraph No. 3 of the bail application. That apart, co-accused/Shiv Ray, who has been



accorded conditional anticipatory bail, had already been declared absconder and till date, he did not surrender before the Court below and now the case has been committed to the Court of Sessions.

6. Having considered the submissions set-forth by the learned Advocate for the respective parties and taking note of the conduct of the petitioner, besides the suppression of fact, regarding his antecedent and the materials available on record as also the decision of the Hon'ble Apex Court in the case of *State of Haryana vs. Dharamraj* in *SLP (Crl.) No. 2256 of 2022*, this Court is not persuaded to enlarge the petitioner on anticipatory bail.

7. Accordingly, the prayer of the anticipatory bail of the petitioner stands rejected.

(Harish Kumar, J)

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