

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29268 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- MEHSI District- East Champaran

Om Prakash Rai @ Ravan Rai S/o Late Ram Naresh Rai R/o vill - Muzza
Bangra, P.s.- Deoriya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.
M/s Kajal, Adv.
For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner, learned APP
for the State.

2. Perused the case diary.

3. The petitioner seeks bail in connection with Mehshi
P.S. Case No. 137 of 2024, instituted for the offences punishable
under Sections 103(1), 3(5), 309(6) of the Bharatiya Nyaya
Sanhita, 2023 and Section 27 of the Arms Act.

4. The prosecution case, in short, is that the petitioner
along with other co-accused persons were looting oil from a



truck near a line hotel and when one person protested, they shot and killed that person.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Nothing incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR and his name has transpired in this case in course of investigation on the basis of confessional statement of co-accused recorded before the police which has no evidentiary value in the eye of law. Even as per confessional statement of the co-accused Upendra Kumar, the petitioner is not the assailant of the deceased in any manner. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness and the *fardbeyan* was lodged after the death of the deceased. It is further submitted that no specific allegation has been attributed against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner is in custody since 17.02.2025 and has got two criminal antecedents in which he is on bail.



6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the FIR is registered against unknown but, in paragraph no. 14 of the case diary which is confessional statement of co-accused, namely, Upendra Kumar where he confessed his guilt and stated about the involvement of the petitioner and other co-accused persons in this case. It is further submitted that regular bail of co-accused has been rejected by a Co-Ordinate Bench of this Court vide order dated 05.05.2025 passed in Cr. Misc. No. 26830 of 2025. Hence, the petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. The prayer for bail of the petitioner is rejected at this stage with a direction to the learned court below to expedite the Trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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