

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42791 of 2025

Arising Out of PS. Case No.-76 Year-2023 Thana- NADI P.S. District- Patna

Umesh Ray Son of Late sitab Lal Rai R/O- Village- Jethuli, P.S.- Nadi,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Rajesh Kumar Singh, Sr. Advocate Mr.Manish Kumar Singh, Advocate Mr.Dharmendra Kr. Singh, Advocate Mr.Kundan Kumar, Advocate Mr.Akrity Aishwarya
For the State	:	Mr.Harendra Prasad, APP
For the Informant	:	Mr.Dhirendra Kumar Sinha, Advocate Ms.Soni Kumari, Advocate Mr.Amrit Lal, Advocate Mr.Rahul Rathour, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 05-12-2025 Heard Mr. Rajesh Kumar Singh, learned senior

counsel appearing on behalf of the petitioner, learned A.P.P. for

the State and Mr. Dhirendra Kumar Sinha, learned counsel for

the informant.

2. The accused/petitioner seeks bail in connection with

Nadi P.S. Case No. 76 of 2023 registered for the offences under

Sections 147, 148, 149, 342, 302, 307, 448 & 506 of the

Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 07.12.2024.

4. As per case of the prosecution, on 19.02.2023 at



about 11:00 AM, 30 named persons and 15-20 unknown, while the nephew of informant namely, Bittu Kumar was going towards his home on his four-wheeler obstructed the road by putting stones chips and sand by associate of one Umesh Rai, which was insisted by nephew of the informant to get it cleared, whereafter all the thirty named accused and unknown accused persons came over there and started indiscriminate firing upon the informant and his family members, out of which four persons got injured by receiving bullet injury and, during course of treatment, two of them were died.

5. Mr. Rajesh Kumar Singh, learned senior counsel, while arguing on behalf of the petitioner, submitted that case of this petitioner is on similar footing to that of co-accused Satish Kumar @ Bachha Rai who alleged to open indiscriminate firing upon the informant and his family members in terms of FIR, has already granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 9446 of 2024 dated 27.03.2024. The said order was challenged by the first informant before Hon'ble Supreme Court, which was refused to interfere through **SLP(Crl.) Diary No(s). 19402/2024.**

6. Arguing further, Mr. Singh submitted that for the



same occurrence, in fact three FIRs were lodged. Explaining the same, it is pointed out that first FIR was lodged as Nadi P.S. Case No. 74/2023, which was lodged by police incharge of Nadi Police Station, subsequently, another FIR for the same occurrence was lodged as Nadi P.S. Case No. 75/2023, where another police officer/incharge is the informant.

7. It is submitted by Mr. Singh that the present and third case regarding same occurrence was lodged by the informant making statement before the police in the Emergency Ward of Patna Medical College & Hospital, Patna, where his father was admitted and died subsequently.

8. Referring all three FIRs, it is pointed out that in the first two FIRs, the petitioner was not named and, therefore, out of admitted enmities, intentionally claiming the eye witness of the occurrence, the informant, who is the son of injured/deceased named this petitioner in third FIR i.e. Nadi P.S. Case No. 76 of 2023.

9. Explaining the fard-e-beyan of the deceased Chanarik Rai, who made statement during hospitalization in PMCH, Patna that this petitioner caused fire-arm injury on his stomach during the occurrence, it is submitted that same is



apparently false on its face as it was made under police pressure, as statement of deceased, who was an illiterate person and usually gives thumb impression on documents, endorse the statement under his signature.

10. Mr. Singh further submitted that in this context, a report was called for by this Court vide order dated 16.09.2025, which made available to this Court by the Branch Manager, Dakshin Bihar Gramin Bank, Jethuli Branch, P.S.-Fatuha, District – Patna saying that deceased Chanarik Rai and his wife usually put their thumb impression.

11. In this context, it is further submitted by Mr. Singh that statement of injured Nagendra Rai that this petitioner was fired upon the deceased Chanarik Rai not appears convincing as said statement was recorded after six months of the occurrence and, therefore connivance with police and afterthought cannot be ruled out.

12. While explaining criminal antecedents of the petitioner, it is submitted that petitioner found involved in total of six cases but all are of year 2014, 2016 etc., where petitioner is on bail.

13. In this context, it is further submitted by Mr.



Singh that ordinarily prayer of bail of the petitioner should not be rejected on the ground of criminal antecedents alone, if merits of the case otherwise convincing in favour of the accused/petitioner. In support of his submission, learned senior counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

14. Learned A.P.P. for the State is presnet.

15. Mr. Dharendra Kumar Singh, learned counsel for the informant, while opposing the prayer of bail of the petitioner submitted that as per FIR, this petitioner is the order giver. It is submitted that first occurrence i.e. Nadi P.S. Case No. 74/2023 was lodged on the basis of information of one Sheshnag Rai, who is the co-villager. It is submitted that counter to the occurrence, which is the subject matter of Nadi P.S. Case No. 74/2023, villagers and nearby residents protested and put certain house on fire for which another FIR being Nadi P.S. Case No. 75/2023 was lodged and therefore both FIRs are for distinct offences.

16. It is pointed out that present FIR was lodged by the eye witness of the occurrence. It is submitted that



admittedly during the course of occurrence two persons died on the spot and two persons died in hospitalization including Chanarik Rai, who alleged to shot by this petitioner. It is further pointed out that only survival of the said occurrence is injured Nagendra Rai, whose statement is also available.

17. Explaining the delay in recording of statement of injured Nagendra Rai, it is submitted that initially the case was given a different colour in view of multiple FIRs by the police in connivance with accused persons, but when the informant approached this High Court on the basis of materials available thereof, the Hon'ble High Court pleased to direct the constitution of SIT for appropriate investigation of the case, whereafter only the statement of the injured Nagendra Rai could be recorded. It is pointed out that for the said reason it was delayed. It is submitted that he was the only injured, survival of the said occurrence, has given his statement and stated specifically that this petitioner fired upon injured/deceased Chanarik Rai, which hit to his stomach. This fact was also approved by the deceased himself before his death stating that this petitioner opened fire on him which hit to his stomach.

18. In this context, it is further submitted by Mr.



Singh that upon post-mortem injuries alleged to be caused by this petitioner which hit to the stomach of the injured/deceased Chanarik Rai found proved fatal. It is pointed out that in view of all such incriminating materials, the case of this petitioner cannot be said on parity *qua* Satish Kumar @ Bachha Rai who was granted bail by one of the learned coordinate Bench of this Court, as discussed above.

19. While arguing further, it is submitted that the injured/deceased Nagendra Rai also named the co-accused Satish Kumar @ Bachha Rai who caused gunshot injury upon Gautam, who died on the spot, but this fact was not brought in the knowledge of the court.

20. Countering the submission raising doubt of FIRs/fard-e-beyan of Chanarik Rai on the ground of signature/thumb impression, learned counsel for the informant submitted that informant also obtained a report subsequently. He filed certain documents through supplementary affidavit where the signature of deceased Chanarik Rai is available suggesting *prima facie* that on this ground whether he was putting signature or thumb impression, his fard-e-beyan cannot be viewed with doubt.



21. In view of aforesaid factual submission and by taking note of the fact as injured eye witness Nagendra Rai categorically stated during investigation that this petitioner opened fire targeting Chanarik Rai, which hit to his stomach, where Chanarik Rai before his death made his statement in hospital that this petitioner caused gunshot injury on his stomach, which appears *prima facie* corroborated with post-mortem report, accordingly, prayer of bail of the petitioner stands rejected herewith for the present.

(Chandra Shekhar Jha, J)

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