

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69937 of 2024

Arising Out of PS. Case No.-283 Year-2022 Thana- BASANTPUR District- Siwan

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Dipak Rai @ Dipu Rai Son of Harendra Ray @ Harendra Rai Resident of
Village - Basantpur, P.S. - Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Murli Dhar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 02-04-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Basantpur P.S. Case No. 283 of 2022 dated 17.06.2022 registered for the offences punishable u/s 302 read with section 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant alleged that on 17.06.2022, when his son was at his shop, in the meantime, some unknown miscreants came there and fired on his son due to which he sustained firearm injury on his chest. Thereafter, his son was taken to nearby hospital, from where for better treatment, he was referred to Sadar Hospital, where doctor declared him dead.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. There is general and omnibus allegation against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. As per the FIR, the accused persons covered their faces and in such condition no one can identify. There is no eyewitness to the alleged occurrence. The petitioner has four criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 16.07.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that during the investigation, the independent witnesses have identified the petitioner in CCTV footage which is mentioned in para 22, 23, 24, and 25 of the case diary. As per para 37 of the case diary, the petitioner himself confessed that he fired on the chest of the informant's son and as per para 38 of the case diary, the co-accused Bittu Kumar also confessed that the petitioner fired on the chest of the informant's son. The deceased has received gun shot injury on his chest resulting into rupture of his both lungs. The Post-mortem report corroborates the prosecution story as one bullet injury was found on the chest of the deceased resulting into his death and doctor opined cause of death due to haemorrhage and shock. Petitioner is a habitual offender as he has got many criminal antecedents.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation



against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail petition of the petitioner stands rejected.

7. Learned trial court is directed to expedite the trial and conclude the same within a period of one year.

(Chandra Prakash Singh, J)

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