

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74944 of 2024

Arising Out of PS. Case No.-1 Year-2014 Thana- JURAWANPUR District- Vaishali

Nawal Rai, (Male), aged about 50 years, S/O Ramji Rai, R/O Kala Diyara,
P.S. Bakhtiyarpur, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Y.C. Verma, Sr. Advocate and Mrs. Priyanka Singh, Advocate
For the Opposite Party : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 17-06-2025 Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with G.R. Case No. 28 of 2014, arising out of Jurawanpur P.S. Case No. 01 of 2014 dated 02.01.2014 registered for the offences punishable under Sections 307, 302 read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 01.01.2014 at 5.30 P.M., the informant Javed Quasim, S.I. was on duty at Jurawanplur Police Station, in the meantime, the co-accused Srikant Rai alongwith three persons came there by his own



vehicle and began to talk with the officer-in-charge. In the meantime, one Sudhir Singh alongwith 3-4 persons also came there and thereafter hot exchanges of talking and abusing took place between them. The officer-in-charge intervened and removed them from there but in vain. It is further alleged that on the order of the co-accused Srikant Rai, the co-accused Ram Shlok Rai, Kamleshwari Rai and Nawal Rai (petitioner) started firing which hit the officer-in-charge Anil Kumar and Sudhir Singh and thereafter the accused persons fled away from there. Both the injured were brought to P.M.C.H. where the doctor declared Sudhir Singh dead whereas treatment of the officer-in-charge Anil Kumar was conducted in Emergency Ward but after sometime, he also succumbed to the injury. In the way to the hospital, the officer-in-charge Anil Kumar was saying that the co-accused Srikant Rai was the person who ordered to fire.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that there is no specific allegation of firing on the deceased against the petitioner rather there is general and omnibus allegation against the petitioner. It is further submitted that from perusal of the F.I.R., it appears that on the order of the co-accused Srikant Rai,



Ram Shlok Rai, Kamleshwari Rai and Nawal Rai (petitioner) fired, as a result of which, Sudhir Singh and the officer-in-charge Anil Kumar got severely injured and subsequently they died. The police personnel chased the assailants but they fled away taking advantage of the darkness, which indicated that the occurrence took place when darkness was setting in. The prosecution has not suggested any source of identification. The alleged occurrence took place on 01.01.2014 i.e., on a day of extreme cold and fog. It is further submitted that none would dare to fire on the police official and that too in front of a police station. Apparently, the prosecution is not coming out with the true version of the case. No incriminating article has been recovered from his possession. The petitioner has no concern with the alleged offence. It is further submitted that the firing was made because of scuffle took place between two groups. There was no intention to kill the officer-in-charge Anil Kumar. It is further submitted that the other co-accused Srikant Rai has already been granted bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 30087 of 2014 vide order dated 23.09.2014, annexed as Annexure-2 to the present bail petition and the co-accused Ram Shlok Rai @ Ram Shlok Prasad has already been acquitted by the court of learned Additional



Sessions Judge-Ist-cum-Special Judge, Vaishali at Hajipur in Sessions Trial No. 210 of 2017 vide order dated 25.03.2019, annexed as Annexure-3 to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 10.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has submitted that the petitioner is named in the F.I.R. Learned A.P.P. for the State has further submitted that in paragraph no. 118 of the case diary which is the confessional statement of the co-accused Srikant Rai in which he has confessed that Nawal Rai (petitioner) has fired on Sudhir Singh and the officer-in-charge Anil Kumar, due to which, they died.

6. Considering the aforesaid facts and circumstances of the case as well as nature of accusation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with G.R. No. 28 of 2014, arising out of Jurawanpur P.S. Case No. 01 of 2014, pending in the court of learned C.J.M. Vaishali at Hajipur.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial



of the petitioner and conclude the same at the earliest.

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(Chandra Prakash Singh, J)

