

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78938 of 2024

Arising out of PS. Case No.-78 Year-2024 Thana- SAHAR District- Bhojpur

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Parmatma Roy, aged about 68 years, (Male), S/o Late Shailesh Rai R/o vill -
Perhap, P.S. - Sahar, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. A.K. Thakur, Advocate
Mr. Ravindra Kumar, Advocate
For the Informant : Mr. Suraj Narayan Yadav, Advocate
For the State : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 10-04-2025 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the state.

2. The petitioner seeks regular bail in connection with

Sahar P.S. Case No. 78 of 2024 instituted for the offences under

Sections 147/148/149/307/302/448/201/447 of the Indian Penal

Code and Section 25(1-B)a/26/27/35 of the Arms Act pending

before the learned Chief Judicial Magistrate, Bhojpur at Ara.

3. The prosecution story is based on the *fardbeyan* of

Kamlesh Rai who has stated that while he and his son were

sitting in 'Dalan' owing to previous old partition dispute

Priyanshu Kumar, Sonu Kumar, Nandu Rai, Diwakar Rai and



other miscreants entered into the house and started indiscriminate firing upon him. It is further alleged that Priyanshu Kumar, Deepak Rai and Sonu Kumar started indiscriminate firing with pistol and country-made pistol due to which his son became injured and fell down and, thereafter, the other accused persons namely Diwakar Rai, Vishnu Rai, Sumant Rai, Parmatma Rai (Petitioner), Nandu Rai and 3-4 unknown persons started indiscriminate firing with weapon in their hand on him and his son and when other persons arrived at the place of occurrence the accused are said to have resorted firing in air and fled away.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case because of previous dispute with the informant's family. It is further submitted that there is admitted land dispute between the informant and other co-accused persons who were the co-parceners, however, the present petitioner has nothing to do with the dispute of partition between them and he has drawn attention of this Court towards the genealogical table which has been annexed with the petition as Annexure-3 to show that he is nowhere concerned with the informant or the other accused persons. It is also submitted by learned counsel for the petitioner



that from perusal of the case diary, it would be evident that there is discrepancy in the statements of the eye-witnesses. He has further submitted that no incriminating material has been recovered from the possession of the petitioner rather it has been shown that the arms had been recovered from the Dalan of the informant which was kept by Priyanshu Kumar. He has also submitted that from the injury report it is clear that there are three bullet injuries received by the deceased and initially the allegation of firing is upon three accused persons and so far as petitioner is concerned there is general and omnibus allegation of firing along with other accused persons. It is lastly submitted that the petitioner was apprehended from the village on 30.05.2024 and he is in custody since then.

5. Learned counsel for the Informant as well as the learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner. It has been submitted by learned counsel for the informant that there is allegation of firing upon the petitioner along with other accused persons and he cannot be said to be unknown participant in the said incident. He also submits that there is consistency in the statement of the witnesses who all have named petitioner to be one of the accomplice of the person who has land dispute with the



informant. Learned APP for the State has drawn attention of this Court that the injuries caused to the deceased were enough causing death and it does not create any doubt of indiscriminate firing upon the informant who has received injury on his stomach. It is lastly submitted that the petitioner is also accused in two other cases, i.e., (i) Sahar P.S. Case No. 38/03 instituted under Section 302/34 of IPC and Section 27 of the Arms Act and (ii) Sahar P.S. Case No. 166 of 2024 instituted under Sections 61(2), 103(1), 109, 190, 191(2), 191(3) of the BNSS and Section 27 of the Arms Act. After the present incident, Sahar P.S. Case No. 166 of 2024 was instituted wherein the informant of the present case namely Kamlesh Rai had been done to death and the accused persons of that case are most of the accused persons in the present case also including this petitioner who has been stated to have operated from the jail and with this connivance informant has been eliminated.

6. Considering the aforesaid submissions made on behalf of respective counsels and the fact that the petitioner has again been made accused in a case where the informant of the present case has been killed and there is allegation against him being armed with weapon and he was involved in indiscriminate firing, this Court is not inclined to grant bail to the petitioner



and, hence, the prayer for bail to the petitioner is rejected.

(Sourendra Pandey, J)

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