

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80961 of 2024

Arising Out of PS. Case No.-439 Year-2024 Thana- MUFFASIL District- West Champaran

Abhishek Rai @ Abhishek Kumar Rai S/O Late Ashok Rai R/O Village Siswa
Bhumihar, P.S- Nawalpur, District- West Champaran Presently Residing At
Bettiah Station Chowk, P.S- Bettiah Town, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and Mr. Akshay
Lal Pandit, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 103(2), 3(5) of the BNS and under Section 27 of the Arms Act and later on Section 111(2) of the BNS.

3. The case of the prosecution is that Abhishek Rai and his brother Alind Rai have assaulted the son of the informant namely, Abhijeet Kumar Singh @ Rishu with *knife*, he escaped anyhow. Abhishek Rai was always pressurizing the informant to compromise in that case. On 05.08.2024 in evening the husband of the informant was returning from the house of his friend and was coming to Dev Nagar, as he reached near Bettiah Railway



Station, Eastern *Gumti* then the petitioner along with others started making indiscriminate firing and fired till her husband died. After the occurrence, the CCTV footage was seized and in CCTV footage, this petitioner was not identified.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is also submitted that there is allegation of indiscriminate firing and from second part of the FIR, it is clear that just after the occurrence, in CCTV footage, he was not identified there. He has also submitted that in para 10 and 11, the son of the informant and brother of the deceased have stated that this petitioner had gone to Delhi and has hatched a plan. In para 193 & 194, it has been submitted that there are two chance witnesses and they have stated that all the accused persons are members of the gang of this petitioner. It is further submitted that at most only allegation against the petitioner is that he is the master mind. It is further submitted that his brother Alind Rai was a criminal and he was implicated with his brother and all the cases are before the murder of his brother. The genesis of this case is that the petitioner used to pressurize the informant for compromising in the case in which his brother and the petitioner was accused. It is further submitted that the petitioner is languishing in judicial custody since 16.08.2024.



5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and have brought to the notice of this Court in para 141 of the case diary. From perusal of which, it transpires that, the CCTV footage near the house of Abhishek Rai (petitioner) was perused and it was found that on 05.08.2024 (i.e., the date of the occurrence), at about 08:49 pm, accused persons namely, Ashutosh Rai, Kamleshwar Prasad, Amit Tiwari, Vikash Thakur came out of the house of Abhishek Rai. It is further submitted that after three days, all the accused persons were seen with petitioner at Delhi in a hotel. Petitioner is having criminal antecedent of 14 cases out of which he has been acquitted in 4 cases.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is not inclined to enlarge the petitioner on bail.

7. Accordingly this application stands rejected.

8. However, the petitioner may renew his prayer for bail after six months, if the trial does not conclude.

(Ashok Kumar Pandey, J)

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