

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12057 of 2026

Arising Out of PS. Case No.-41 Year-2021 Thana- GHORASAHAN District- East
Champaran

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Kameshwar Rai Son of Lal Babu Rai Resident of village - Lalua, P.S.-
Ghorasahan, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore @ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-05-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 302 and 120(B)
of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of five cases and the informant alleges
that on 29.01.2021, at 10.00 p.m., accused persons including the
petitioner came variously armed along with 25-30 unknown
accused and Lalbabu Rai, Rajeshwar Rai and petitioner caught the
son of the informant, namely, Amit Lal Yadav. It is next alleged
that Rajeshwar Rai fired killing the son of the informant on the
spot. Further, on alarm, villagers gathered on which the accused
persons started fleeing and while fleeing Kameshwar Rai, Lalbabu
Rai and Suraj Kumar shot Gama Rai who also died at the spot.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that petitioner along with Lalbabu Rai and Rajeshwar Rai had caught his son Amit Lal Yadav and thereafter Rajeshwar Rai fired killing his son on the spot and when villagers gathered the accused persons started fleeing when petitioner along with Lalbabu Rai and Suraj Kumar shot Gama Rai, his nephew who also died at the spot but then allegation of firing against petitioner is not specific. It is next submitted that petitioner is in custody since 21.08.2025.

5. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that petitioner has antecedent of five cases. It is further submitted that though there is no specific allegation of firing against the petitioner but then two persons were killed and the informant alleges that this petitioner along with Rajeshwar Rai and Lalbabu Rai had caught the son of the informant whom Rajeshwar Rai shot killing him on the spot and thereafter while fleeing this petitioner along with Lalbabu Rai and Suraj Kumar also fired causing death of Gama Rai. It is next submitted that the case is of the year 2021 and the petitioner was arrested on 21.08.2025, as such, for four years, the



petitioner was evading the law.

6. At this stage, learned counsel appearing on behalf of the petitioner submits that Lalbabu Rai had also approached this Court seeking regular bail by filing Cr. Misc. No. 71761 of 2021 and the same came to be allowed vide order dated 18.01.2023 on which learned A.P.P. submits that from perusal of the order dated 18.01.2023 in Cr. Misc. No. 71761 of 2021, it would manifest that the learned Coordinate Bench of this Court had recorded that there is no allegation of firing gun shot against the petitioner but then the same is not the correct fact.

7. After hearing the learned counsel for the parties, the Court is not inclined to release the petitioner on bail in connection with S. Tr. No. 846 of 2024 arising out of Ghorashan P.S. Case No. 41 of 2021 pending in the Court of learned Chief Judicial Magistrate, East Champaran at Motihari/Successor Court.

8. Hence, the prayer for bail is rejected.

(Satyavrat Verma, J)

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