

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25740 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- WARISNAGAR District- Samastipur

1. PINTU RAI @ PINTU KUMAR @ PINTU RAY S/O LATE GANESH RAY RESIDENT OF VILLAGE- BHAGIRATHPUR (WRONGLY MENTIONED AS VILLAGE- MUSEPUR IN THE FIR), POLICE STATION- KALYANPUR, DISTRICT- SAMASTIPUR
2. DEEPAK RAI @ DEEPAK KUMAR @ DEEPAK RAY S/O LATE SURESH RAY R/O VILLAGE- MUSSEPUR, P.S- KALYANPUR, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv
	:	Mr. Nilendu Kumar Choudhary, Adv
For the Opposite Party/s	:	Mr. Zainul Abedin, APP
For the Informant	:	Mrs. Vaishnavi Singh, Adv
	:	Mr. Purushottam Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-01-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 18 of 2024 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per FIR, petitioners along with other co-accused persons overtook the vehicle of informant and deceased and after stopping their vehicle two named co-accused namely Rajiv Rai & Bhola Rai opened indiscriminate firing causing death of grandson of informant.



4. It is submitted by Mr. N.K. Agrawal, learned sr. counsel appearing on behalf of the petitioners that allegation of fatal assault is available against co-accused Rajiv Rai and Bhola Rai. It is pointed out that informant is the eye-witness of the occurrence, but no specific overt act appears attributed against these petitioners. While concluding arguments, it is submitted that above named petitioner no. 1 found involved in four more criminal cases and petitioner no. 2 found involved in six more criminal cases with same informant and his relative, where they are on bail. Arguing further, it is submitted that main co-accused namely Rajiv Rai facing specific allegation in terms of FIR has been acquitted after facing the trial by the learned Trial Court.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that these petitioners came on spot with same vehicle with Rajiv Rai and Bhola Rai and after overtaking stopped the vehicle of the informant and deceased, whereafter co-accused Rajiv Rai and Bhola Rai opened indiscriminate firing causing death of grandson of the informant. It is submitted that this conduct of petitioners suggest their prima-facie involvement *qua* present crime in question. During the course of argument, learned counsel for the informant drew attention of this Court towards statement of



independent witnesses as recorded u/S 161 of the Cr.P.C. during course of investigation, which is part of paragraph no. 41 & 42 of the case diary, where witnesses specifically alleged that these petitioners were found running from the place of occurrence having pistols in their hand.

6. In view of aforesaid factual submission and by taking note of fact as petitioners were in the same vehicle with co-accused which caused fatal firearm injuries after stopping the vehicle of informant and deceased coupled with fact, petitioners were found running with pistols in their hand immediately after the occurrence, accordingly prayer of anticipatory bail of both above named petitioners stands rejected.

7. Learned Trial Court may consider the prayer of regular bail of both above named petitioners in accordance with law, upon surrender without being prejudiced from any of the observations made by this Court while disposing the present anticipatory bail application.

(Chandra Shekhar Jha, J.)

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