

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76467 of 2025

Arising Out of PS. Case No.-61 Year-2003 Thana- RAJAPAKAR District- Vaishali

Chndradeep Rai @ Chandradip Rai Son of Late Ram Lagan Rai R/o Village -
Sekhpura, P.S. - Rajapkar, Dist. - Vaishali, Bihar - 844124.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Shashank Shekhar, Advocate Mr. Amar Shakri, Advocate Ms. Riya Raj, Advocate
For the Opposite Party/s :		Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-02-2026 Heard Mrs. Nivedita Nirvikar, learned Senior counsel
for the petitioner and Dr. Kumar Uday Pratap, learned APP.

2. The petitioner is in judicial custody in connection with Session Trial No. 38 of 2024, arising out of Rajapakar P.S. Case No. 61 of 2003, registered for offences under Section 302/34/341/323/452/379 of the Indian Penal Code and Section 27 of the Arms Act lodged on 23.07.2023 by the informant, Ravindra Kumar Rai.

3. As per the prosecution story, the informant alleged in the FIR that in the afternoon, when his elder brother Sachindra Kumar Rai was in the shop while he was at home, the named accused persons who are the neighbour stormed the shop and forcibly withdrew Rs. 5,000/-. When his brother raised alarm, not



only they pointed rifle towards him, when his elder brother reached there, also started assaulting him. Specific allegation against this petitioner is of opening fire which hit the backside of the brother which pierced out. Ranjit Rai and Sunil Rai also alleged to have opened fire. His brother being injured was rushed to the Hajipur Hospital but was declared dead. This led to the FIR.

4. Learned Senior counsel for the petitioner submits that actually the informant's side opened fire which hit the deceased but giving it a different colour, the FIR was lodged. In support of her claim, learned Senior counsel took this Court to certain paragraphs of the witnesses wherein the said facts have been recorded.

5. Learned APP on the other hand submits that the matter is of the year 2003, the allegation against the petitioner is that he opened fire which hit the deceased. He is the main assailant, charge-sheet has been submitted and the matter is before an appropriate Trial Court where some of the witnesses have already been examined.

6. In that background, it would not be appropriate to release him on bail, particularly when, he choose to evade arrest for two decades.

7. Having heard the parties and perusing the records including the learned Trial Court report, it seems that the trial is on and the witnesses are being examined. The petitioner is the main assailant as per the prosecution story which has been found true



and charge-sheet has been submitted, the defence will have all the time to raise the points in support of their claim that it was the informant's side who opened fire and led to the death.

8. For the present and till an order comes in trial, the petitioner is the main assailant as per the prosecution theory.

9. In that background, for the present, this Court do not find it appropriate to release him on bail which is accordingly rejected.

10. Since the petitioner is in custody for more than two years, the Trial Court is expected to expedite the trial and conclude it within a period of nine months.

11. Considering the fact that the matter is of the year 2003, the Superintendent of Police, Vaishali at Hajipur is directed to see to it that the witnesses summoned by the Trial Court diligently appear so that the trial is taken to its logical conclusion at an earliest.

12. Let a copy of the order be communicated to the office of the S.P., Vaishali, Hajipur.

(Rajiv Roy, J)

Adnan/-

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