IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77041 of 2026

CNR No. BRHC011119612026

Arising Out of PS. Case No.-74 Year-2021 Thana- GOPALPUR District- Gopalganj

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Devendra Rai @ Devendra Son of Late Mahatam Rai Resident of Ward No. 09, Gandhi Nagar, Sewrahi (Tamkuhi), Police Station - Sewrahi, District - Kushinagar (U.P.).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2 30-10-2026 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner apprehends his arrest in connection with Gopalpur P.S. Case No. 74/2021, registered for offence under Sections 302, 307. 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that informant Jitendra Kumar gave his *fardbeyan* that his father along with his wife, son-in-law & daughter were walking in the field near the road. The mother of informant Jamtar Devi and his sister Saroj Devi and the informant were also there at some distance. At that time a sound came and his sister Saroj Devi began crying. The

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informant went there and saw that his father was lying on the field and he has sustained three gun shot injury and his sister also sustained gun shot injury in her right hand and left side of stomach. The informant identified all the accused persons and petitioner is one of them.

4. Learned counsel for the petitioner submits that petitioner is 80 years old and is quite innocent and has committed no offence. There is admitted land dispute between the parties. At the time of alleged incident, petitioner was not present at the place of occurrence and as such, police after investigation submitted final form and did not send up the petitioner for trial, however, the learned Court below, differing with the same, took cognizance against all the accused persons including petitioner. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation against petitioner that he along with other co-accused killed father of the informant by gun-shot injury. He further submits that informant as well as injured Saroj Devi identified all the accused persons and disclosed the name of this petitioner also.

6. Considering the nature of accusation, the prayer

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for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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