

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23441 of 2015

Arising out of PS.Case No. -82 Year- 2012 Thana -RAJPUR District- EAST
CHAMPARAN(MOTIHARI)

Raghwendra Kumar Rai @ Raghwendra Kumar @ Raghwendra Kr. Ray,
Son of Sahdeo Rai, resident of village - Madhuaha Brit, P.S. Rajepur,
District - East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar No. III, Advocate.
For the Opposite Party : Mr. Sanjay Kr. Tiwary No.1 (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 30.08.2014
in connection with Rajepur P.S. Case No. 82 of 2012 for the
offences instituted under Sections 342,323 and 302/34 of the IPC.

The prosecution story, in brief, is that on 19.08.2012 at
about 1.50 A.M. in the night, the informant alongwith his wife and
other family members were sleeping in his house. At the same
time, 4-5 unknown persons entered into his house. The informant
awaken and saw that 4-5 unknown persons who have tied their
mouth with cloth dragged the informant and his wife from their
room and some of the miscreants assaulted to the informant with



fist and leg. The informant louded. In the meantime, the informant heard the sound of gun shot, and other family members of the informant also awoke. Then the miscreants trying to flee away. The informant and his other family members entered into the room and found that the wife of the informant Kiran Devi was lying on the bed and oozing of blood started from her head and she was found dead with gun shot injury. The miscreants who entered into the house of the informant tied to the informant near Banana tree and they shot dead to the wife of the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 30.08. 2014 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is not named in the FIR. The informant of the present case has been made accused in the present case for committing murder of his wife. The name of the petitioner has figured in the confessional statement of the informant who was made accused in the present case. The said confessional statement is in paragraph no. 46 of the case diary where the informant has admitted his guilt and has alleged to have purchased one country made pistol and one cartridge from this petitioner for Rs. 2,000/-. Except for this, there is no other material for

implication of the petitioner in the present case. The house of the petitioner was searched but no incriminating article is said to have been recovered from his possession.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R. His name has come in the confessional statement of the informant where the informant has accepted his guilt.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Sikrahana at Motihari, East Champaran in connection with Rajepur P.S. Case No. 82 of 2012.

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(Sudhir Singh, J)