

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39605 of 2014

Arising Out of PS.Case No. -4 Year- 2014 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

Sheo Narayan Rai Son of Late Sheshman Rai Resident of Village-
Barharwa Bishunpurwa, Police Station- Adapur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.1082 of 2015

Arising Out of PS.Case No. -4 Year- 2014 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

Ajay Rai @ Ajai Rai Son of Sheo Narayan Rai Resident of Village -
Barharwa Bishunpurwa, Police Station - Adapur, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39605 of 2014)

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Rita Verma (App)

(In Cr.Misc. No.1082 of 2015)

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Braj Kishore Prasad (App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 06-02-2015 Both these cases arise out of Adapur P. S. Case No.

04 of 2014, as such, they have been heard together and are being

disposed of by this common order.

Heard learned counsels for the petitioners, State and

the informant.

The petitioners seek bail in a case registered for offences punishable under Sections 328, 302, 201/120 (B) of the Indian Penal Code.

The allegation is that the petitioner Sheo Narayan Rai transferred some land to Lucky Kumar, the son of Ajay Rai @ Ajai Rai (petitioner) from the joint family property, due to which there was some altercation between Sanjay Yadav (deceased), the husband of the informant and both accused. The deceased was assaulted brutally. All this happening was narrated by the deceased to the informant on telephone. At that time, she was at her father's house. After assault, the deceased was unable to move. The occurrence of assault held on 31.12.2013. On the next day, the deceased informed the informant that he was unable to move. Again in the night at 10 P.M., she also talked with the deceased on phone that he was not taking meal, thereafter, both the accused (petitioners) threatened and compelled to eat food. After taking the food, he was feeling restless. On 01.01.2014, she tried to make contact on phone but no telephone was received. When she reached at the place of occurrence in the morning of 02.01.2014, on query both the petitioners told her that they had killed the deceased and the dead body had been disposed of and she was at

liberty to take any action.

Learned counsel for the petitioners submits that the informant is not the eye witness to the occurrence. During investigation, the villagers have stated that the informant was at her father's house. She was informed but she did not come. Thereafter, the dead body was cremated.

It has been submitted by the other side, that during investigation it has also appeared that there was land dispute between the deceased and the petitioners and there was altercation and the deceased was also assaulted and thereafter, the deceased was given food, which caused the death of the deceased and the dead body was cremated in haste. After investigation, the case has been found true and the charge sheet has been submitted against the accused.

Considering the facts and circumstances, in my opinion, the petitioners do not deserve bail at this stage and their prayer for bail is rejected.

(Amaresh Kumar Lal, J)

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