

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34373 of 2014

Arising Out of PS.Case No. -76 Year- 2010 Thana -SURSAND District- SITAMARHI

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Lal Babu Rai son of Late Bindeshwari Rai , resident of village Jawahi,
P.S. Sursand and District Sitamarhi .

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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With

Criminal Miscellaneous No.37217 of 2014

Arising Out of PS.Case No. -76 Year- 2010 Thana -SURSAND District- SITAMARHI

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Lal Mohan Rai son of Late Bindeshwar Rai , resident of village Jawahi,
P.S. Sursand and District Sitamarhi .

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.34373 of 2014)

For the Petitioner : Mr. Shiv Shankar Prasad Yadav, Advocate

For the Opposite Party: Mrs. Veena Rani Pd, APP

(In Cr.Misc. No.37217 of 2014)

For the Petitioner : Mr. Pramod Kumar, Advocate

For the Opposite Party: Mr. Ram Naresh Rai APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-02-2015 Heard both sides.

Petitioner Lal Babu Rai in Cr. Misc. No.34373 of 2014

and petitioner Lal Mohan Rai in Cr. Misc.No.37217 of 2014

apprehend their arrest in Sursand P.S. Case No.76 of 2010,

registered for the offences punishable under Section 302 read with

Section 34 of the Indian Penal Code.

The informant alleged that his grand-son Birendra

Kumar had gone to guard the orchard and when the informant went to see him, he saw Suresh Rai, Lal Babu Rai, Lal Mohan Rai and Ram Lakshan Rai running away from the place of occurrence. He also saw the grand-son writhing in pain having injuries on his neck.

Learned counsel for the petitioners submits that the police after investigation submitted final form finding the case false against the petitioners. The informant had enmity with the Suresh Rai and the petitioners are alleged to be supporters of Suresh Rai. There is no eye-witness of the occurrence. The learned Chief Judicial Magistrate after perusing the case diary took cognizance against the petitioners also.

On perusal of the record it appears that the informant named the petitioners along with Suresh Rai and Ram Lakshan Rai. The informant also saw the petitioners fleeing away from the place of occurrence immediately after the occurrence. The informant saw the only one incised injury on the body of the grand-son. Petitioner Lal Babu Rai was found armed with dagger. There is very proximity between the two accused.

It appears that the prayer for regular bail of co-accused Ram Lakshan Rai has already been rejected twice by this Court and he was granted bail in the year 2011 vide Cr. Misc. No.23788

of 2011.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the same is rejected.

Petitioners, if so advised, may surrender before the learned court below and pray for regular bail which shall be considered on its own merit without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

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