

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28635 of 2015

Arising Out of PS.Case No. -87 Year- 2014 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Manoj Rai S/o Pundeo Yadav @ Pundeo Rai
 2. Pundeo Yadav @ Pundeo Rai S/o Raman Rai Both are residents of village - Mohaddipur, P.S. - Chiraiya, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Ahmad Ali (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-10-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State as also the informant.

The petitioners are apprehending their arrest in a case registered under Sections 302 and 201 of the Indian Penal Code.

The prosecution case, in short, is that one Yogi Rai made a written report before Chiraiya P.S. stating therein that on 28.4.2014 his son Kamlesh Kumar took meal with him at 8 P.M. and thereafter on 29.4.2014 he heard from the villagers that the dead body of his son is thrown in sareh in the field of one Vishwanath Rai and thereafter he went and identified the dead body of his son.

It has been submitted on behalf of the petitioners that



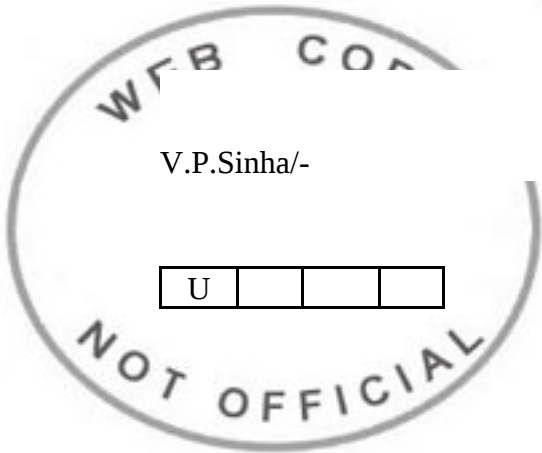
the petitioners have got no criminal antecedent and they have falsely been implicated in the present case due to mistake of fact. The only material against the petitioners is that their names have figured in the confessional statement of the co-accused, except that there is no material to suggest the implication of the petitioners.

On behalf of the State and the informant, it is stated that the names of the petitioners have come in the course of investigation. As far as petitioner No.2 is concerned, his sim card is said to have been used just before the alleged occurrence. Hence, there is a strong suspicion against petitioner No.2.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to petitioner No.2 (Pundeo Yadav alias Pundeo Rai) and the same is rejected.

As far as petitioner No. 1 (Manoj Rai) is concerned, since there is no direct or indirect evidence against him, Let petitioner No.1(Manoj Rai), in the event of his arrest/surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri S.K. Jha, Judicial Magistrate, Ist Class, Sikrahna at Motihari in connection with Chiraiya P.S. Case No.87 of 2014, subject to the conditions as laid

down in Section 438 (2) of the Code of Criminal Procedure.



(Sudhir Singh, J)