

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32624 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

GIRIJA NANDAN PRASAD RAI @ GIRIJA NANDAN RAI S/o late
Ruplal Rai Resident of Village: Pataura ps. Motihari, Mufassil. District East
Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.34296 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

Mithilesh Kumar @ Mithilesh Kumar Rai @ Pinku S/o Girija Nandan
Prasad Rai resident of Village Pataura,P.s Motihari Mufassil.District East
Champaran.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.37443 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

Rajiv Kumar Ranjan @ Rajiv Kumar Rai @ Rajiv Rai S/o Girija Nandan
Prasad Rai Resident of Village : Pataura, P.S. : Motihari Muffasil, District :
East Champaran.

.... Petitioner

Versus

1. The State of Bihar.

... Opposite Party/s

Appearance :

(In Cr.Misc. No.32624 of 2015)

For the Petitioner/s : Mr. Amarendra Nath Verma, Adv.

For the Opposite Party/s : Mr. Ajay Kr.Jha(App)

(In Cr.Misc. No.34296 of 2015)

For the Petitioner/s : Mr. Amarendra Nath Verma, Adv.

For the Opposite Party/s : Mr. B.M.P Sinha (App)

(In Cr.Misc. No.37443 of 2015)

For the Petitioner/s : Mr. Amarendra Nath Verma, Adv.

For the Opposite Party/s : Mr. B.N. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 03-11-2015

Heard both sides.

The petitioners apprehend their arrest in Chhatauni P.S. Case No. 69/2015, registered for the offences punishable under Sections 307, 34 of the Indian Penal Code and 27 of the Arms Act. Later on Sections 302 and 120B of the Indian Penal Code were added.

Rajesh Kumar Srivastava, the informant is an employee of the gas agency disclosed that he found the owner of the gas agency, namely Ajay Yadav lying unconscious. He took him to Rahmaniya Nursing Home, but he succumbed to injuries during course of treatment. During course of investigation, the tower location of the mobile of Ravi Kumar Sahni was found in around the place of occurrence, on the basis of which he was arrested and he confessed his guilt, which appears from para 58 and 62 of the case diary.

Learned counsel for the petitioners submits that the petitioners are not named in the FIR. Krishnanand Rai, the father-in-law of the deceased is the witness of the FIR, but he did not disclose anything about the complicity of the petitioners. Much later, the same Krishnandan Rai and other family members of the deceased suspected the hands of the petitioners in killing of Ajay Yadav. Even Ravi Kumar Sahni did not disclose the name of Girija Nandan Prasad Rai and Mithilesh Kumar Rai. He disclosed the name of only Rajiv Rai.

On the other hand, Sri Amrendra Kumar, learned counsel for the informant disclosed that the independent witnesses namely, Shambhu Yadav and others in para 106 and onwards disclosed that they also held Panchayati in which he suspected that Girijanandan Prasad Rai and his two sons went upon to grab the agency and they were also went upon to kill Ajay Yadav by a hired criminal.

Having considered the facts that Ravi Sahni confessed his guilt and he disclosed that he was paid Rs. 1acs through Krishna Yadav. Rajiv Rai paid the amount to Krishna Yadav for killing of Ajay Yadav, father and brother of Rajiv Rai also conspired, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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