

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34375 of 2014

Arising Out of PS.Case No. -126 Year- 2013 Thana -DIGHA District- PATNA

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1. Subodh Rai Son of Awadhesh Rai , Resident of - Nakata Diyara ,P.S. Digha , District -Patna .

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash

For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3. 11-03-2015. Heard both sides.

Petitioner apprehends his arrest in a case registered under section 302 and other sections of the I.P.C. and section 27 Arms Act.

The informant alleged that Subodh Rai son of Late Sahjeevan Rai, Vimal Rai, Santosh Rai, Bhuar Rai and Beltariya Rai surrounded his son Gorakh Rai and killed him. The informant further alleged that Subodh Rai son of Awadhesh Rai also conspired in killing his son.

Learned counsel for the petitioner submits that there is no overt act against the petitioner. The informant made allegation against five accused persons including Subodh Rai, son of Sahjeevan Rai. The petitioner did not fire. Police did not collect any evidence that the petitioner conspired in killing Gorakh Rai. Sikandar Rai has already been enlarged on bail.

.On perusal of the record, it appears that the deceased had gone to the house of the petitioner and while he was

returning, accused persons surrounded him and made indiscriminate firing killing him on the spot. The informant, at the very initial stage, disclosed the name of the petitioner Subodh Rai that he also conspired in killing the deceased. Even during the course of investigation, the witnesses have stated that the petitioner also conspired.

Considering the facts and nature of allegation, I am not inclined to enlarge the petitioner on anticipatory bail and accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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