

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51076 of 2015

Arising Out of PS.Case No. -100 Year- 2012 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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1. Pankaj Rai
2. Deepak Rai
Both (1 and 2) sons of Surendra Rai
3. Sajit Rai @ Sanjit Rai
4. Sujit Rai
.Both (3 and 4) sons of Late Ram Pravesh Rai
5. Pramod Rai, son of Baijyanath Rai,
All the accused (1 to 5) R/o of Village- Litiahi, P.S.- Raghampur, O.P.
Rustampur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav
For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-12-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Raghampur P.S.Case No. 100 of 2012 for the offences alleged
under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian
Penal Code and later on Section 302 of the Indian Penal Code has
been added after the deceased succumbed to his injury.

The prosecution case as per fardbeyan of the
informant (deceased) which was lodged on 12.9.2012 at the
Pirbahore Police Station, Patna and the same was forwarded to the



Raghopur Police Station on the same day but the FIR was instituted on 19.9.2012 by the Raghopur P.S. (Rustampur O.P.). The informant (deceased) alleged therein that while he was sleeping at his Darwaza at 8.00 A.M., Pankaj Rai and Deepak Rai went to him and sprinkled red colour powder on his body, in the meantime, he got up and saw them in the light of a kerosene lantern. The informant has further alleged that above named accused persons caught hold of his hands, in the meantime, Raajeev Rai, Sanjit Rai and Sujeet Rai went near him and Rajeev Rai lit a match- stick and threw it on his body that allegedly caught fire to his whole body. The informant has further alleged that when he cried out Pramod Rai along with 8 to 9 (unknown persons) exploded fire and thereafter they fled away.

It has been submitted by the learned counsel for the petitioners that the informant was a criminal and involved in making bomb and the bomb exploded, later on, resulting in the death of the informant, which has been supported by the villagers, Mukhiya and Sarpanch of the said Panchayat. It has been further submitted that there is serious enmity amongst both the parties and proceeding under Section 107 has been ordered and Raghopur P.S. Case no. 93 of 2012 has been lodged against the informant (deceased) on 27.07.2012 for kidnapping the mother of petitioner

no. 3. It has been further submitted that although final form has been submitted, which does not substantiate the allegation but on protest petition of the father of the informant(deceased), learned Magistrate has taken cognizance against the petitioners.

Be that as it may, since all the petitioners are involved in the complicity of the offence, resulting in the death of the informant, I am not inclined to grant privilege of anticipatory bail to all the petitioners. Accordingly, this application is rejected.

(Nilu Agrawal, J)

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