

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34354 of 2014

Arising Out of PS.Case No. -217 Year- 2013 Thana -FATEHPUR District-
GAYA

Sanjay Kumar Rai @ Pappu Kumar Son of Kishun Prasad, Resident of
village - Bakhari , P.S. Fatehpur. District - Gaya

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramendra Prasad, Adv.

For the Opposite Party/s : Mr. Satyendra Nr.Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 07-04-2015

Heard both sides.

The petitioner apprehends his arrest in Fatehpur P.S.
Case No. 217 of 2013, registered for the offences punishable under
Section 302 and other Sections of Indian Penal Code and Section
3/4 of the Explosive Substance Act.

The informant, wife of the deceased, made allegation
that the petitioner and other accused persons entered in the house
of the informant and dragged out her husband.

Sanjay Kumar Rai alias Pappu Kumar (the petitioner)
is alleged to have fired which hit Ganesh Prasad and Ganesh
Prasad died on the spot. Suma Devi also came at the place of
occurrence, then Akashdeep alias Guddu and Rakesh Kumar alias

Pintu made firing on Suma Devi.

Learned counsel for the petitioner submits that the petitioner is working as Sub-Inspector, Central Excise in Delhi. He was not present at the place of occurrence. Almost all the independent witnesses have stated that firing was made from both sides. They have also stated that the petitioner was not present at the place of occurrence.

On the other hand, learned counsel for the informant as well as learned APP opposed the prayer for Anticipatory Bail and submitted that Anticipatory Bail of similarly situated co-accused Akashdeep alias Guddu and Rakesh Kumar @ Pintu have already been rejected by this court.

It appears that there is very specific allegation against the petitioner that he fired causing death of Ganesh Prasad on the spot. There is no document to support the plea of alibi of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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