

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24796 of 2016

Arising Out of PS.Case No. -442 Year- 2015 Thana -MANER District- PATNA

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Kariya Rai @ Rajendra Rai, S/o- Sardha Rai, @ Sardanand Rai, R/v-
Mahinawan, Bagicha, P.S.- Maner, Distt.- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. R.B. Roy Raman (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 16-08-2016 Heard both sides.

The petitioner apprehends his arrest in Maner P.S. Case No. 442/2015, registered for the offences punishable under Sections 364, 302 and 201 of the Indian Penal Code.

The informant brother of the deceased alleged that his brother went along with Bachcha Rai and two others, but his brother did not return. On the next day his dead body was found by the side of river Ganga.

Learned counsel for the petitioner submits that petitioner was not with Bachcha Rai. The mother and other witnesses have stated that petitioner Kariya Rai @ Rajendra Rai was moving with the deceased near a saloon situated in Maner market. Bachcha Rai, Baiju Rai and Gopi Rai were also with him except this there is no

other evidence to show that petitioner committed murder of the deceased Sonu Kumar. Petitioner has got no enmity with the deceased, other accused persons have got enmity with the deceased. The statement of Bachcha Rai has not been recorded with whom the deceased went to the market.

On the other hand, Ram Bilash Rai Raman learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that mother of the deceased and other witnesses saw the petitioner along with other accused persons accompanying the deceased in the market and on the next day the dead body of the deceased was recovered.

It appears that of course the petitioner has no enmity with the deceased, but petitioner alongwith Bachcha Rai, Baiju Rai and Gopi Rai with whom the deceased has got enmity were found in the company of the deceased during the day time in the market and thereafter the deceased was not seen any where and his dead body was recovered on the next day.

Considering the facts aforesaid and the fact that the petitioner was also last seen with the deceased, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrender in the court below within four

weeks from the date of receipt/production of a copy of this order and pray for regular bail learned court below shall consider his prayer for regular bail on its own merit and if possible dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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