

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46921 of 2015

Arising Out of PS.Case No. -234 Year- 2015 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rajdeo Sah, Son of Late Bhagirath Sah,
 2. Rupesh Kumar Sah @ Rupesh Kumar, Son of Rajdeo Sah, Both residents of Village Olaha Mehta Tola, P.S.-Harsidhi, Dist.-East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Uma Kant Shukla, Advocate,
Mr. Rajesh Ranjan, Advocate,

For the State : Mr. Amrendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 28-01-2016 Learned counsel for the petitioners submits that petitioner no.2, Rupesh Kumar Sah @ Rupesh Kumar, has already been arrested and seeks permission to withdraw this application in respect of petitioner no.2, Rupesh Kumar Sah alias Rupesh Kumar.

In that view of the matter, this application in respect of the petitioner no.2, Rupesh Kumar Sah @ Rupesh Kumar, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1 for bail is being considered.

Heard leaned counsel for the petitioner no.1 and the leaned A.P.P. for the State.

The petitioner no.1 apprehends his arrest in connection with Harsidhi P.S. Case No. 234 of 2014 registered under Section 302/34 of the Indian Penal Code, pending in the court of the Chief

Judicial Magistrate, Motihari.

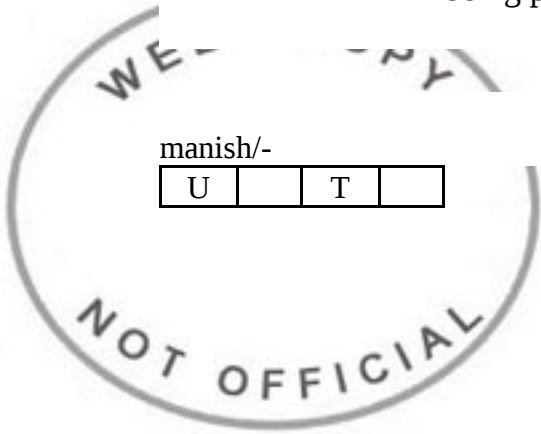
The prosecution case is that on 27.06.2015 informant Sunil Kumar received information on phone to the effect that the dead body of his brother Chulbul Rai is lying at Olha, Metha Tola near petrol pump under the road bridge. Thereafter, the informant reached there. Further case of the informant is that his brother Chulbul Rai was working in the sweetmeat shop of the petitioner no.1 Rajdeo Sah and there was dispute with regard to proper accounting of the wages. The information about the death of his brother was given by the petitioner no.1 Rajdeo Sah. It is further alleged that co-accused Munga Thakur used to keep the accounts of his brother and all the accused persons killed the brother of the informant.

Learned counsel for the petitioner no.1 submits that he has been falsely implicated in this case merely on suspicion because the deceased was earlier doing the work at the shop of the petitioner no.1.

Learned A.P.P. submits that just recovery of the dead body, the petitioners were seen pressing the throat and assaulting the deceased. In the post-mortem report of the deceased, the cause of his death was found due to asphyxia.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner no.1, I am not inclined to grant anticipatory bail to him. Accordingly, the prayer of the petitioner no.1 for grant of anticipatory bail stand rejected. The petitioner no.1 Rajdeo Sah is directed to surrender before the trial

Court within four weeks from today and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.



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(Rajendra Kumar Mishra, J)