

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53036 of 2015

Arising Out of PS.Case No. -678 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Raj Kumar Gupta, Son of Late Joginder Prasad, Resident of Village-
Shankar Saraiya, P.S.- Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Anuj Kumar

For the Opposite Party/s : Mr. Satyendra Pd.(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 25-01-2016 Heard learned Senior Counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel appearing on behalf of the informant.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections
302/120-B of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
though allegation has been made against this petitioner that he has
also participated in the beating up of the deceased namely Dinesh
Sah, no specific role has been attached to the present petitioner.
He further submits that initially when the alleged thief Dinesh Sah
was caught at the place of occurrence, a few persons by name
Guddu Kumar Rastogi, Anil Rastogi and Madan Prasad Rastogi



caught hold of the deceased and gave him a sound beating. Thereafter, the petitioner Raj Kumar Gupta and one Pramod Pandey also participated in the alleged *marpit*. He submits that there is enmity between the petitioner and the deceased as also there was a 144 proceeding in which the petitioner has succeeded whereas the deceased had been asked not to go upon the lands in question. He further submits that the said Pramod Pandey as well as other accused persons have been extended the privilege of anticipatory bail in Cr. Misc. No. 52320 of 2015 vide order dated 09.11.2015.

Learned counsel for the informant submits that actually in the instance case, Raj Kumar Gupta was the person who had masterminded the entire occurrence and it was at his behest that the said Rastogis had caught hold of the deceased and subjected him to serious injury which finally led to his death.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that there is general and omnibus allegation against all the persons for having beaten up the alleged thief which finally lead to his death.

Considering the nature of allegations made against the present petitioner and that he stands similarly placed at Pramod Pandey who had been extended the privilege of anticipatory bail

and save and except the cases arising out of the present occurrence, the petitioner has no other criminal antecedent, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, East Champaran in connection with Turkauli P.S. Case No. 678 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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