

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17123 of 2016

Arising Out of PS.Case No. -186 Year- 2015 Thana -DIGHWARA District- SARAN

- =====
1. Rakesh Kumar Rai @ Rakesh Kumar S/o Dasai Rai
 2. Shrawan Rai S/o Chhabila Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-07-2016

Heard both sides.

The petitioners apprehend their arrest in a case under Section 302 and some other sections of the Indian Penal Code.

Petitioner No.1 is owner of truck and petitioner No.2 is relative of petitioner No.1. The allegation is that in the wee hours a truck caught fire and many people extinguished the fire but one monkey was found burnt. The petitioners are said to have taken the monkey by the side of river, Ganga. Later on it transpired that it was a dead body of a man.

It is submitted by the learned counsel for the petitioners that the petitioners did not ignite the fire in the truck and at best an offence under section 201 of the I.P.C. can be made out, which is bailable. There is nothing on record to show that the petitioners killed any person by burning. Paras Singh, driver of the

truck, has already been granted regular bail vide order dated 31.03.2016 passed in Cr. Misc. No. 10832 of 2016.

Considering the fact that only allegation against the petitioners is that they took a dead body, threw the same by the side of river, Ganga in order to conceal evidence, the petitioners are directed to surrender in the court below, i.e., A.C.J.M.-II, Saran at Chapra in Dighwara P.S. case No. 186 of 2015, and pray for regular bail. The learned court below shall consider the prayer for regular bail of the petitioners taking into consideration that similarly situated accused Paras Singh has already been granted regular bail and dispose of the bail petition, preferably, on the same day.

With this observation, this anticipatory bail petition is disposed of.

(Prabhat Kumar Jha, J)

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