

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52313 of 2015

Arising out of PS.Case No. -9 Year- 2009 Thana -ROSERA District- SAMASTIPUR

Ram Rekh Roy, Son of Boukhi Roy, resident of village : Bishunpur Amani,  
Police Station : Khanpur, District - Samastipur.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

Appearance :

For the Petitioner : Mr. Bishwanath Prasad Singh, Advocate.

For the Opposite Party : Mr. Uma Nath Mishra (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is apprehending his arrest in connection  
with Rosera P.S. Case No. 09 of 2009 for the offences instituted  
under Sections 302, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that in the year, 2002  
Dharmendra Kumar, son of the deceased Sikandar Rai, was being  
kidnapped and later on, he was being murdered. In the said case,  
Khurnum Rai, Geeta Rai, Binod Rai, Prakash Rai, Militry Rai  
were convicted and who are behind the wall. In the said case, one  
Upendra Das and Madhukant Choudhary are also in custody and  
case was fixed for evidence because Jagdish Rai is recently  
released from custody and they are pressuring for compromising



the case and due to said reason on 31.02.2008, Bauku Rai, Sikandar Rai, Ramrekha Rai, Ram Kailash Rai, Nathuni Rai chased Sikandar Rai with intention to take away his life any how to save his life by entering in the house of Dinesh Sahni. Sikandar Rai had filed an informatory petition and he expressed his apprehension to the family members that the accused persons are in conspiracy of his murder. On the alleged date of occurrence, at about 11.30 hours, his brother Sikandar Rai went on his motorcycle and went at the house of Dinesh Sahni. They proceeded for Rosera. Dinesh Sahni informed that three motorcycle riders shot dead his brother. He rushed and saw dead body of Sikandar Rai was lying. Dinesh Sahni informed that three motorcyclist stopped his motorcycle and fired indiscriminately causing his death and he has every reason to believe that these petitioners alongwith other co-accused persons have conspired to each other for committing murder of the deceased. During the course of investigation, inquest report was prepared seizure list was also prepared in respect of recovery of cartridges and other material exhibits.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no specific

allegation against the petitioner nor there is any circumstantial evidence to suggest the implication of the petitioner in the present case. The other co-accused has been granted regular bail by this Court vide Cr. Misc. No. 49434 of 2014.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and has actively participated in the alleged occurrence. It is further submitted that the case is of the year 2009 and the petitioner has come before this Court in the year 2015.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Rosera P.S. Case No. 09/2009, pending in the court of the learned A.C.J.M., Rosera, Samastipur. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order taking into account that the other co-accused person has been granted regular bail by this Court.

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(Sudhir Singh, J)