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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57281 of 2015

Arising Out of PS.Case No. -129 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

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Rakesh Sahani @ Rakesh Kumar, son of Ram Sagar Sahani resident of Village- Kodariya, P.S.- Sibaipatti, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-03-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends arrest in connection with Motipur P.S. Case No. 129/14 for offences alleged under Sections 302, 210/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his brother went to the market on 14.05.2014 and returned at 7.00 P.M. Thereafter at 8.00 P.M. Bishu Sahani and petitioner both came and asked him about the whereabouts of his brother Manoj Kumar. When the brother of the informant did not return till 12.00 O'clock the mother of the informant went to the house of Bachchan Sahni for search of her son where she saw the other accused persons taking bath. She asked the reason for taking bath

but they did not reply. On 15.05.2014 the dead body of the brother of the informant was found hanging on a tree with a Dupatta tied in his neck. The motive behind the incident was alleged to be love affairs with the sister of Bishu Sahani.

It has been submitted by the learned counsel for the petitioner that he is innocent having no criminal history, after conclusion of investigation accusation was found false and the petitioner has not been sent up for trial but differing with the final form cognizance has been taken on the ground of mere suspicion. It has further been submitted that other four similarly situated persons have since been granted the privilege of anticipatory bail by a Co-Ordinate Bench of this Court in Cr. Misc. No. 53670 of 2015 on 26.11.2015.

However, learned APP for the state submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Since the other similarly situated persons have already been granted the privilege of anticipatory bail by this Court, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each

to the satisfaction of learned S.D.J.M., West Muzaffarpur, in connection with Motipur P.S. Case No. 129/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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