

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14946 of 2016

Arising Out of PS.Case No. -250 Year- 2015 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Upendra Rai Son of Chandrika Rai Resident of village - Shankar Saraiya,
P.S. Turkaulia, District - East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ansul, Advocate.

For the Opposite Party : Mr. Binod Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 30-06-2016 Heard Mr. Ansul, the learned counsel for the petitioner
and the learned APP for the State.

The petitioner apprehends his arrest in Pipra P.S. Case
No. 250 of 2015 registered for the offences punishable under
Sections 417, 420, 370, 371, 307 and 34 of the Indian Penal Code.
Later on Section 302 of the Indian Penal Code was added.

The informant lodged the complaint making allegation
that the petitioner and other accused persons took his brother to
provide him job on monthly payment of Rs. 7000/-, but his brother
was tortured and electrocuted, on account of such, he sustained
injury and became unconscious. The informant went there and
brought his brother to his house for treatment.

Mr. Ansul, the learned counsel for the petitioner



submits that the occurrence took place on 01.06.2015, but the complaint was filed on 02.09.2015. There is inordinate delay in lodging the case. During the course of investigation almost all the witnesses except the informant and victim stated that they did not know as to how the victim got injuries. It is further submitted that the I.O. also examined many witnesses and in the latter part of the investigation, all the witnesses disclosed that the victim took wine and consequently, he fell down and got injuries. The statement of the victim as well as the informant does not appear to be palatable and reliable. There is reason for false implication.

It appears from perusal of para-6 of the case diary that the I.O. recorded the statement of Punit Manjhi, the deceased. Punit Manjhi disclosed that Meghu Rai and Upendra Rai the petitioner asked him to work for more hours when he was not ready both of them assaulted him in his room and electrocuted him, thereafter, he did not know what happened. From perusal of the post-mortem report, it appears that the deceased got many injuries all over his body and injuries were infected on account of which he died.

Considering the statement of the victim, I do not feel inclined to enlarge the petitioner above named on anticipatory bail in Pipra P.S. Case No. 250 of 2015, pending in the court of the

learned Chief Judicial Magistrate, East Champaran. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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