

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48761 of 2014

Arising Out of PS.Case No. -17 Year- 2013 Thana -ANDHRATHARI District- MADHUBANI

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Rajendra Rai Son of Nandi Lal Rai Resident of Village - Marukhia, P.S. -
Andhrathari, District - Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 09-03-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Andhra Tharhi P.S. Case No. 17 of 2013 (G.R. No. 668 of 2013)
registered for the offence punishable under Section 302 of the
Indian Penal Code.

The prosecution case, in brief, is that one son, one
daughter and wife of the informant were living at his home and he
got telephonic message at Delhi that his son was ill and he was
asked to come home immediately. On 31.05.2013 at about 3:00
P.M. when he reached near his house, the people of the society
told him that in the night of 27.05.2013, Dilip Rai had gone to
Durga Asthan, Marukiya at about 8:30 P.M. and from there he is

missing and on 29.05.2013, his dead body was recovered from Purni Pokhar situated behind the Marukiya Math and the police was informed after 2-3 hours of cremation of his dead body. It is alleged that his son has been murdered under a conspiracy after kidnapping him.

It has been submitted by the counsel for the petitioner that petitioner is innocent and the informant being full brother of the petitioner, there is some land dispute between them, hence, the petitioner has falsely been implicated. It has further been submitted that although the First Information Report has been lodged against unknown, but during investigation, Dharam Rai has confessed his guilt and the petitioner being the father of Dharam Rai, has falsely been implicated. Counsel for the petitioner submits that the witnesses, whose statement has been recorded in various paragraphs of the case diary, have stated that they have not seen the occurrence, but the petitioner has been implicated on the basis of suspicion. Petitioner has no criminal history, as is evident from paragraph 3 of this petition.

However, learned A.P.P. for the State submits that the police during investigation has found the complicity of the petitioner in the aforesaid offence and many of the witnesses have also named the petitioner.

Be that as it may, since the First Information Report is against unknown and there is no eye-witness to the occurrence, let the 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 only) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Andhra Tharhi P.S. Case No. 17 of 2013 (G.R. No. 668 of 2013), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Nilu Agrawal, J.)

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