

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26421 of 2016

Arising Out of PS.Case No. -150 Year- 2013 Thana -SIMRI District- BUXAR

Paras Nath Rai Son of late Hare Krishna Rai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Sri Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and 27 of the Arms Act.

Prosecution case is that the husband of the informant went in the company of one Shree Bagwan Rai, the agnate of the informant and thereafter three persons shot him on the way. On being received information when the informant went to the place of occurrence she found her husband in pull of blood, who subsequently succumbed to the injuries. It is further alleged that the husband of the informant used to tell the informant that the petitioner Paras Nath Rai, his brother Dinesh Rai, co-accused Angad Yadav and his brother Jambant Yadav are inimical to

him.

It is submitted by learned counsel for the petitioner that only on suspicion the accusation has been levelled and the petitioner being the Sarpanch of the Panchayat has been roped in due to political rivalry. The motive of rivalry has also been admitted by the informant in the First Information Report. On conclusion of investigation, the petitioner was not sent up for trial but differing with the final form cognizance has been taken by the learned Magistrate. It is further submitted that co-accused Jambant Yadav, having similar accusation, has been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No.15904/2016.

Since, a statement has been made in paragraph 3 of the petition that the petitioner is accused in three other cases, apart from the present case, though he is on bail in these cases, this Court is not inclined to enlarge him on anticipatory bail, but in view of the fact that similarly situated co-accused has been granted anticipatory bail, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Simri P.S. Case

No.150/2013, pending before the learned CJM, Buxar.

With the above observation, this application is,
accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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