

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30145 of 2016

Arising Out of PS.Case No. -308 Year- 2015 Thana -MOTIPUR District- MUZAFFARPUR

Jagdish Rai, son of Gagandeo Rai, Resident of village- Mossandi, P.S.-
Motipur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 18-10-2016 Heard both sides.

The petitioner apprehends his arrest in Motipur P.S.
Case No. 308/2015, Tr. No. 1590/2016, registered for the offences
punishable under Sections 302 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

The informant alleged that his younger brother Shree Lal
Rai was running a Flour Mill. On 08.11.2015 he was shot dead in
his Flour Mill. The informant further alleged that Jagdish Rai
(petitioner) had previous enmity with the deceased and the
petitioner had threatened him. Balindra Thakur and Lav-Kush
Kumar Pandey also threatened his brother of dire consequence if
his brother did not cast vote in favour of N.D.A.

Learned counsel for the petitioner submits that there is

no eye-witness of the occurrence. Save and except suspicion there is no material to show the involvement of the petitioner in the killing of the deceased.

On the other hand, learned A.P.P. opposed the prayer for anticipatory bail of the petitioner and submitted that the informant and other witnesses have stated in their statements that the petitioner had also threatened the deceased of dire consequence.

Having considered the facts that save and except suspicion there appears no tangible material in the entire case diary to show the involvement of the petitioner in the killing of the deceased Shree Lal Rai, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Muzaffarpur in connection with Motipur P.S. Case No. 308/2015, Tr. No. 1590/16, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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