

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37500 of 2016

Arising Out of PS.Case No. -118 Year- 2014 Thana -GUTHNI District- SIWAN

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Raju Rai, Son of Sri Umesh Rai, Resident of Village- Nainijore, P.S.-
Guthani, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Guthani P.S. Case No. 118/14 for offences alleged under Sections
341, 323, 307, 34 of the Indian Penal Code in which later on
Section 302 I.P.C. has been added.

The prosecution case, as lodged by the
informant, is that on 26.06.2014 at about 12 O'clock in the night
while he was asleep, some persons came on motorcycle and
started assaulting him and when his son tried to save him, one
Pintu Rai caught hold of him and Bablu Rai inflicted dagger blow
on left side of his stomach causing serious injury and later death.

It has been submitted by the learned counsel



for the petitioner that he is innocent and has falsely been implicated in the aforesaid case due to land dispute going on between the parties being Case No. 05/2007 lodged by the grandfather of the petitioner and on whose death legal heirs including the petitioner's father and uncles were substituted. He submits that there is no allegation of any overt act by the petitioner; rather allegation is upon two other co-accused. He further submits that the petitioner has no criminal history, as is evident from paragraph 3 of this petition and that the petitioner is not named in the First Information Report, but on restatement the informant has named the petitioner. He submits that on similar allegation one of his brothers has since been granted the privilege of anticipatory bail by a Coordinate Bench of this Court in Cr. Misc. No. 31716 of 2015 on 14.08.2015.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but on restatement he has been named, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has not been named in the First Information Report, no overt act has been alleged against him, there is land dispute between the parties and on similar allegation one of the co-accused has been granted the

privilege of bail, 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 Chief Judicial Magistrate, Siwan, in connection with Guthni P.S. Case No. 118/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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