

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44220 of 2015

Arising Out of PS.Case No. -61 Year- 2010 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

1. Brij Kishore Rai (Mukhiya) @ Brij Kishore Rai, son of Dhansundar Rai,
resident of Village- Lodhiya, P.S.- Darpa, District- East Champaran at
Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Mr. Ashraf Ansari(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Chhauradano P.S.Case No. 61 of 2010 registered for offences
punishable under Sections 302, 120 (B) of the Indian Penal Code.

The prosecution case is that on 27.08.2010 at about
02.45 A.M., the wife of the brother of the informant came and
narrated that the neck of her husband had been cut and he is not
responding on call, then the informant went at the house of his
brother Md. Isteyak (the deceased) and found his brother lying
unconscious, his neck cut with sharp weapon. It is also stated by
wife of the deceased that her husband returned home at about



10.00 P.M. with three persons naming all those three persons and she alleged that they were looking at the entry gate and also inquired about the place of sleeping of other family members. It is alleged by the informant that his sister-in-law also told that the accused persons were talking about appointment of teachers since the panchayat Sewak was neutral and the Mukhiya of the Purainia Panchayat was interested in appointment of accused persons after taking illegal gratification.

It has been submitted by the learned counsel for the petitioner that he is innocent and has committed no offence. It is also submitted that the petitioner has no criminal antecedent, which is evident from para-3 of the petition.

It has further been contended that the allegations against the petitioner is general and omnibus and only on suspicion, the petitioner has been made an accused. There is no eye witness and police has submitted the final form that there is no direct or indirect evidence against the petitioner.

However, learned counsel for the State submits that the petitioner is named in the F.I.R. From perusal of the paras 16 and 19 of the case diary, it appears that the petitioner has been implicated merely on suspicion.

Be that as it may, let the above named petitioner 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 bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Sri S.K. Srivastava, Judicial Magistrate, 1st class, Raxaul at Motihari, East Champaran, in connection with Chhauradano P.S.Case No. 61 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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