

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.591 of 2017

Arising Out of PS.Case No. -223 Year- 2013 Thana -RAJPUR District- BUXAR

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Sanjay Rai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shiw Kumar Prabhakar, Advocate.

For the Opposite Party : Smt Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection with Rajpur P.S. Case No. 223 of 2013 for the offences instituted under Sections 147, 148, 149, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 23.11.2013 at 4.00 P.M. while the informant's brother, namely, Agnideo Rai and one Shreenath Adhish were crossing Karamnasa river through boat, 05-06 FIR named and other 11 persons variously armed with gun came there and co-accused Guddu Rai, Mantu Rai and Ramesh Rai open fire on the informant's brother. While Shreenath Adhish fleeing away by jumping in river, co-accused Chandran Rai short fire upon him as a result of which he died. The



informant's brother also died at the border of Dehri. At that time, the informant was waiting for coming his brother

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. The specific allegation has been made against co-accused, namely, Guddu Rai, Mantu Rai and Ramesh Rai for causing injury upon the deceaseds. No specific injury or overt act has been alleged against this petitioner. The petitioner is said to be the member of the mob. The other co-accused have been granted anticipatory bail by another Benches of this Court vide Cr. Misc. Nos. 8721 of 2014 and 19598 of 2014.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. The other co-accused were granted anticipatory bail on the ground of being a lady. It is a case of double murder.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Rajpur P.S. Case No. 223/2013, pending in the court of learned C.J.M. Buxar. If the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court



taking into account the submissions made on behalf of learned
counsel for the petitioner.

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(Sudhir Singh, J)

