

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44691 of 2015

Arising Out of PS. Case No.-104 Year-2013 Thana- SARAI District- Vaishali

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1. Dukharan Rai @ Nand Kishore Rai Son of Raj Dev Rai
 2. Santosh Rai @ Santosh @Santi Rai son of Sahdeo Rai
- Both residents of Sanhiya Patti, P.S.- Sursand, District sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. PREM KUMAR JHA(APP)

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

19 14-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Sarai P.S. Case No. 104/2013 registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

As per allegation, the informant's brother, namely, Jai Prakash Yadav, was driving the truck bearing Registration No.NLP-1B-3893 for the last 10 years on which four-wheeler vehicles have been carried. On 19.06.2013 at 10 a.m. Jai Prakash Yadav with cleaner Anil Kumar was coming from Muzaffarpur to Patna. When he reached near Lalkothi Line Hotel, Teliya Sarai, a stone chips loaded truck came from the front side and the said truck collided with the truck of Jai Prakash Yadav. Jai Prakash Yadav and Anil Kumar abused and



took away the truck with papers to Muzaffarpur for its repairing and from there, they took away him to Sitamarhi where they got deposited Rs.15,000/- in their bank account from Jai Prakash Yadav and they got unloaded their truck and were taking Jai Prakash Yadav on the same truck to release him at Sarai. When they reached near the Sarai Line Hotel, some altercation took place in between them and driver-cleaner and Manager of the said truck brutally assaulted Jai Prakash Yadav with lathi, danda and, thereafter, nearby people took Jai Prakash Yadav for treatment and during course of treatment, the informant's brother Jai Prakash Yadav died.

It is submitted on behalf of the petitioners that they were not the driver and cleaner of the truck as alleged to have involved in the occurrence. The informant is not the eye-witness to the occurrence. The occurrence, as alleged, took place on 19.06.2013 but name of the petitioners has been disclosed on 25.08.2013 and the petitioners are not the residents of the said place.

On the other hand, learned APP appearing for the State, submits that in the case diary the witnesses have supported that on information that the deceased was admitted in the hospital by unknown persons, they went there and saw that the deceased



was unconscious due to assault and was under treatment and, thereafter, they came to know that the driver and cleaner, who are the petitioners in this case, assaulted the deceased and during treatment, he succumbed to the injuries. After investigation, the police finding the case true against the accused including the petitioners submitted the charge-sheet under the aforesaid penal sections.

Considering the facts and circumstances as well as the materials available on the record, in my view, it is not a fit case in which petitioners may be enlarged on anticipatory bail.

Accordingly, prayer for bail is rejected.

(Dr. Ravi Ranjan, J)

V.K.Pandey/-

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