

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28490 of 2017

Arising Out of PS.Case No. -442 Year- 2015 Thana -MANER District- PATNA

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1. Gopi Rai Son of Late Kalika Rai, Resident of Village-Kahari Chak, P.S.-
Naubatpur, District-Patna Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Sharma

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 19-08-2017

Heard both sides.

The petitioner apprehends his arrest in Maner P.S.
case No. 442 of 2015 for the offences punishable under Section
302, 364,201 of the Indian Penal Code.

The informant alleged that Bachcha Rai and two
other persons took his brother, Sonu Rai, to market but his brother
did not return. On the next day dead body of his brother was
found. The informant further alleged that his brother had
purchased a vehicle from Gopi Rai, the petitioner, and his brother
had some quarrel with petitioner.

The learned counsel for the petitioner submits that
during the course of investigation, on mere suspicion, the name of
petitioner along with Kariya Rai @ Rajendra Rai, Baiju Rai and
Bachcha Rai figured in the case but Bachcha Rai and Baiju Rai
have already been granted anticipatory bail. Kariya Rai @
Rajendra Rai has been granted regular bail. The case of petitioner
stands on the same footing. Even during the course of



investigation the witnesses have simply stated that petitioner and other accused persons were found in the company of the deceased in the market and there is no eye witness of the occurrence to show that petitioner killed Sonu Kumar.

It appears that there is no eye witness of the occurrence although the witnesses have stated that petitioner and other accused persons were found in the company of the deceased in the market and thereafter the deceased disappeared and on the next day his dead body was found.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., Sri Randhir Kumar, the learned Judicial Magistrate, Danapur in Maner P.S. case No. 442 of 2015, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated accused Kariya Rai @ Rajendra Rai and others have already been granted bail and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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