

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15536 of 2017

Arising Out of PS.Case No. -83 Year- 2016 Thana -PANAPUR District- SARAN

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1. Sonu Rai @ Sonu Kumar Rai S/o Harendra Rai resident of Village -
Moria, P.S. - Panapur, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 12-07-2017 Heard both sides.

The petitioner apprehends his arrest in Panapur P.S.
case No. 83 of 3016 under Section 302, 307 and other Sections of
the Indian Penal Code.

Daroga Rai, the informant, alleged that his brother,
Sipahi Rai, went to sleep at his cattle shed. The informant woke up
and saw that Harendra Rai, Upendra Rai, Juman Rai, Sonu Rai @
Sonu Kumar Rai, the petitioner, Ambika Rai, Nagendra Rai and
Pradip Rai had surrounded Sipahi Rai. Ambika Rai and Harendra
Rai caught the hands of Sipahi Rai. Nagendra Rai caught the legs
and Sonu Rai is alleged to have assaulted Sipahi Rai with Farsa on
his head.

Sri Krishna Prasad Singh, the learned senior counsel



for the petitioner, submits that there is allegation against the petitioner that he assaulted the deceased with Farsa on his head but the injury found on the head of deceased is opined to be caused by hand and blunt object. It is submitted that during the course of investigation, the family members in paragraph 8,9,10 and 11 of the case diary have stated that Sonu Rai and Upendra Rai assaulted Sipahi Rai. It is further submitted that Upendra Prasad Singh @ Upendra Yadav and Binod Kumar Yadav @ Juman Rai have already been granted anticipatory bail vide order dated 15.12.2016 passed in Cr. Misc. No. 42927 of 2016. The case of petitioner stands on same footing as that of Upendra Yadav although the informant did not name Upendra Rai as assailant of the deceased in his fard bayan but later on family members stated that Upendra Rai also assaulted the deceased along with Sonu Rai, the petitioner. Ambika Rai, who is alleged to have caught the hands of the deceased, has been granted regular bail. it is submitted that from the post mortem report it would appear that there was stitch wound and defused swelling on parietal area but on opening of skull fracture of parietal bone of right side was found and on account of aforesaid injuries Sipahi Rai died. There is no sharp cut injury on the head of deceased although the petitioner is alleged to have assaulted the deceased with Farsa.



From perusal of the FIR as well as case diary, it appears that informant alleged that it was the petitioner who assaulted Sipahi Rai with Farsa on his head. Of course, no sharp cut injury was found on the head of deceased but there was stitch wound and the doctor has opined that the injury was caused by hard and blunt object.

Considering the fact that it was the petitioner who assaulted the deceased with Farsa on his head, 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., the learned A.C.J.M. 4th Saran at Chapra, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that Upendra Rai, who is also alleged to have assaulted the deceased, has been granted anticipatory bail and dispose of the bail petition, if possible, on the same day.

(Prabhat Kumar Jha, J)

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