

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38809 of 2018

Arising Out of PS.Case No. -50 Year- 2018 Thana -BARAHIYA District- LAKHISARAI

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Rakesh Kumar @ Rakesh Ranjan, Son of Ramashray Singh, resident of
Village- Kutha Dih, Police Station- Barhiya, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Advocate. Mr. Bipin Kumar, Advocate. Miss. Minakshi Kumari, Advocate.
For the informant	:	Mr. Saket Tiwary, Advocate. Mr. Saket Gupta, Advocate Mr. Sanjeev Kumar Dubey, Advocate.
For the Opposite Party/s	:	Smt. Renuka Ratnakar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 29-08-2018 Heard learned counsel for the petitioner and informant
as well as State.

The petitioner apprehends his arrest in **Barahiya P.S.**
Case No. 50 of 2018 instituted for the offence under Section
302/34 of the Indian Penal Code.

It is alleged in the written report that on the date of
occurrence younger brother of the informant was sitting on
Darwaza. The informant heard sound of crying of his younger
brother Sintu Kumar. He reached there and saw that co-accused
Navin Singh, Mantu Singh, Arun Singh, Pappu Singh and Rajiv
Singh were dragging his brother and assaulting him with fists and



slaps. They were dragging the brother of the informant out of the house. The informant identified the petitioner and other accused persons in the electric light. They were standing there armed with gun. It is further alleged that all the accused persons assaulted brother of the informant indiscriminately, on account of which, he died.

Counsel for the petitioner submits that besides suspicion there is no allegation of any specific overt act against the petitioner. The petitioner is alleged to be armed with gun but no injury of firearm was found on the person of the deceased during post mortem.

Case diary has been received.

Counsel for the petitioner has pointed out paragraphs- 64 and 65 of the case diary wherein it is mentioned that petitioner was only standing at the place of occurrence.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Barahiya P.S. Case No. 50 of 2018**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial**



Magistrate, Lakhisarai, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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