

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57 of 2018

Arising Out of PS.Case No. -679 Year- 2017 Thana -PHULWARI District- PATNA

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1. Sanjay Rai @ Sanjay Kumar Son of Jairam Rai, Resident of Mohalla
Karori Chak, P.S.-Phulwarisharif, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 09-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Fulwarishariff P.S.

Case No. 679 of 2017 instituted for the offence under Sections
302/34 of the IPC and Section 27 of the Arms Act.

It is alleged in the written report that the informant is
the second wife of the deceased Mahesh Prasad. She was married
with Mahesh Prasad about six months back. Kusum Devi was the
first wife of deceased Mahesh Prasad. She had committed suicide
in the year 2013, for which her family member had lodged FIR
against Mahesh Prasad. The husband of this petitioner (since
deceased) Mahesh Prasad has two daughters and one son from his
first wife Kusum Devi.

It is alleged that one month prior to the occurrence, the
elder brother of Kusum Devi has made demand of Rs. 7,00,000/-
from the husband of the informant to withdraw that case,
otherwise he will kill him.



It is alleged that on 24.10.2017 while informant and his husband (since deceased) were going to doctor for treatment in the way at about 7 p.m. when they reached Ranipur More in night Pramod Kumar and his brother-in-law Sanjay Rai came in front of their motorcycle and shot 4-5 bullets on her husband. Thereafter, he was taken to hospital but on the way he succumbed to injury.

The case diary has been received, wherein; post-mortem report is available. The doctor has found injuries caused by fire arm over the chest of the deceased which also supports the allegation against this petitioner. As such there is direct allegation against the petitioner.

Therefore, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, this anticipatory bail petition stands rejected.

The petitioner is directed to surrender in the court below within six weeks from today and seek regular bail which will be considered by the court below in accordance with law and disposed off without being prejudiced by this order.

(Sanjay Priya, J)

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