

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17865 of 2018

Arising Out of PS.Case No. -11 Year- 2018 Thana -KUSHESHWARSTHAN District -
DARBHANGA

=====

1. Anuj Rai @ Anuj Kumar, son of Sujit Kumar Rai
2. Munna Rai @ Rakesh Kumar Rai, son of Anil Rai
Both are residents of village - Sumha Dyodhi, P.S. - Singhia, District -
Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-04-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **K. Asthan**
(Kusheshwar Asthan) P.S. Case No. 11 of 2018 instituted for
the offence under Sections 304 and 201 of the Indian Penal Code.

It is alleged in the written report that petitioner No. 1
deliberately dashed the niece of the informant aged about 9 years
from the Motorcycle. Petitioner No. 2 was pillion rider of the
aforesaid Motorcycle. After dashing niece of the informant,
petitioner No. 1 took her on Motorcycle on the pretext of
treatment. The informant made search in the Government Hospital
as well as Private Clinic and during course of search, he found the



dead body of his niece lying in Bamboo orchard covered with leaves.

Learned counsel for the petitioners has submitted that it is a case of road accident and compromise petition has also been filed in the court below.

In the written report there is specific allegation against petitioner No. 1 of dashing the niece of the informant and taking her on Motorcycle on pretext of her treatment. Later on, her dead body was recovered from the Bamboo orchard.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner No. 1 namely, Anuj Rai @ Anuj Kumar.

Prayer for anticipatory bail of petitioner No. 1 stands rejected. He may surrender before the court below and make prayer for regular bail.

So far petitioner No. 2 is concerned, he was pillion rider of the Motorcycle. Therefore, prayer for anticipatory bail of petitioner No. 2 namely, Munna Rai @ Rakesh Kumar Rai, is allowed. In the event of surrender/arrest of the petitioner No. 2, named above, within six weeks from today, in connection with **K. Asthan (Kusheshwar Asthan) P.S. Case No. 11 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 **Judicial Magistrate, 1st Class, Biraul, Darbhanga**, 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)

S.Ali/-

U		T	
---	--	---	--

