

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16154 of 2019**

Arising Out of PS. Case No.-186 Year-2015 Thana- MOTIHARI MUFASIL District- East
Champaran

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SANNI KUMAR @ SANDEO RAI @ SANI DEV RAI @ SUNNY KUMAR
@ SANDEV RAY, Son of Suresh Rai, Resident of Village- Katahana, P.S.-
Motihari (M), District- East Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Madhav Jha, Advocate.
For the Opposite Party : Mr.Md. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 17-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 201 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that Santosh Kumar,
Bharat Rai and two unknown came to the house of the
informant and called his son Golu and thereafter taken away
him. In the night also, Golu was seen with them at about 10.00
P.M. and thereafter his dead body was found. During
investigation, the name of the petitioner transpires in the
confessional statement of Santosh Kumar and Bharat Rai and
further two witnesses, namely, Rampravesh Singh and Binda
Singh stated the name of the petitioner that he, Santosh and
Bharat Rai were taking away Golu beneath the bridge and when
the witnesses stopped the Motorcycle and ran the petitioner



pointed out pistol and caused threats.

Earlier bail applications of the petitioner were rejected vide Cr. Misc. No. 5654 of 2017 under order dated 19.04.2017 and Cr. Misc. No. 4633 of 2018 under order dated 24.01.2018, vide Annexure-1 series to the present application, taking into account that the deceased was seen with the petitioner by the witnesses.

This is third attempt on behalf of the petitioner for grant of bail.

A report was called for from the court below regarding the stage of the case. It has been reported by Shreeprakash Mishra, 15th Additional District & Sessions Judge, East Champaran at Motihari, vide Letter No. 123/2019 dated 27.07.2019, that some of accused persons in the present case have already been convicted by the court below. The said accused persons had preferred criminal appeal before this High Court. The original Lower Court Record has been sent to this Court in connection with the said criminal appeal pending before this High Court. As far as status of the present case is concerned, the same is fixed 'for argument' but in absence of original inquest report and postmortem report, the present case is pending.



Let a copy of this report submitted by Shreeprakash Mishra, 15th Additional District & Sessions Judge, East Champaran at Motihari, vide its Letter No. 123/2019 dated 27.07.2019, be placed before the learned Registrar General, Patna High Court, Patna, so that the original papers would be sent to the learned court below after retaining Xerox copies of the same. After disposal of the present case by the learned court below, the original documents shall be sent back by the learned court below to the High Court so that the same can be kept with the Lower Court Record of concerned Cr. Appeal pending before this Court.

Further, considering the stage of the case and the nature of accusation, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 971 of 2017, arising out of Motihari Muffasil P.S. Case No. 186 of 2015, pending in the court of learned Additional District and Sessions Judge-IX, East Champaran, Motihari.

(Sudhir Singh, J)

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