

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16221 of 2019

Arising Out of PS. Case No.-48 Year-2018 Thana- ATHMALGOLA District- Patna

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SANJEET RAI Son of Bishwa Nath Rai Resident of Village - Nayatola
Sabnima, P.S.- Athmalgola, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishore Prasad

For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner is languishing in custody since
24.03.2018 in a case registered for the offences punishable
under Sections 302, 379 and 120B/34 of the Indian Penal Code.

The prosecution case as per the written report of
Meena Devi submitted to the Station House Officer of
Athmalgola Police Station is to the effect that on 22.03.2018,
the husband of the informant, Dharamdeo Rai was being called
by Binod Rai, thereafter, both of them went to the house of co-
accused Bishwanath Rai and there the husband of the informant
was killed by co-accused Binod Rai, Anjali Devi, the petitioner
Sanjeet Rai, his brother Ashok Rai and Rs.1,50,000/- was also
snatched which was kept by the husband of the informant for



giving to someone. It is further alleged that earlier also co-accused Binod Rai threatened the husband of the informant, leading to registration of the FIR against four FIR named accused persons and 3-4 unknown persons. During investigation, it transpired that the victim Dharamdeo Rai had illicit relationship with co-accused Anjali Devi, the wife of Bishwanath Rai, as a result, Dharamdeo Rai was killed and subsequently, the dead body was recovered from the house of co-accused Bishwanath Rai.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been roped in the present case simply because he happens to be the son of co-accused Anjali Devi. The FIR suggests the specific accusation and motive only against co-accused Binod Rai. Admittedly, there is no eye witness to the alleged occurrence and merely because the dead body of the husband of the informant was recovered from the joint family house of the father of the petitioner, he has been roped in the present case. The motive also does not appear to be reasonable from the fact that even assuming the subsequent accusation to be true, if co-accused Anjali Devi had illicit relationship with the victim, Dharamdeo Rai then there was no occasion for her to kill the victim. A statement has been made in



paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that during investigation, it transpired that a petition was filed by the several villagers to the effect that since the victim, Dharamdeo Rai had illicit relationship with co-accused Anjali Devi and her husband was a disabled person and the sons of co-accused Anjali Devi including the petitioner saw them in objectionable position, hence, they might have killed the victim, but learned counsel for the informant concedes that there is no eye witness to the alleged occurrence.

Learned APP, after going through the case diary, submits that since the dead body of the victim was recovered from the joint family house of the petitioner, hence, presumption is that he also participated in the occurrence and moreover, the prayer for bail of co-accused Anjali Devi has been rejected by a co-ordinate Bench of this Court vide Cr. Misc. No. 52750 of 2018.

Considering the fact that there is no eye witness to the occurrence, the FIR does not suggest the accusation of illicit relationship of the victim, Dharamdeo Rai with co-accused Anjali Devi nor any medical examination of Anjali Devi has



been conducted to corroborate the accusation levelled subsequently, through the public petition to the effect that she was found in objectionable condition with victim, Dharamdeo Rai, hence, family members of co-accused Anjali Devi killed the victim and the fact that investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Barh, District - Patna in connection with Athmalgola P.S. Case No. 48 of 2018.

(Dinesh Kumar Singh, J)

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