

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17558 of 2019

Arising Out of PS. Case No.-182 Year-2017 Thana- SISWAN District- Siwan

AKASH KUMAR RAI @ MD. SALMAN Son of Vinod Kumar Ray Resident
of Village- Ramgarh (Nagai), P.S.- Siswan (Chainpur O.P.), District- Siwan.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 15-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Siswan (Chainpur O.P.) Police Station Case No. 182 of 2017, disclosing offences under Sections 394, 302, 120B of the Indian Penal Code and Sections 25 (1-B)A, 26, 27, 35 of the Arms Act.

The allegation against the petitioner, as per the First Information Report, is that the informant and his son, Ajit Kumar Soni (deceased), was running a jewellery shop at Dumri Bazaar and on the date of occurrence, at about 06:45 PM, the deceased, along with his minor son, was returning home with a bag in which some silver jewellery were kept and when they reached near the Yadav Medical Hospital, three persons stopped the motorcycle and one person fired upon the son of the informant, causing injury in his stomach. It is further alleged



that on way to the hospital, the deceased disclosed that his neighbour, Chotan Rai and two unknown had fired upon him.

Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and from perusal o the same, it appears that the deceased, before his death, allegedly disclosed the name of the assailant along with two unknown persons, which was made basis of the First Information Report by the informant, who is the father of the deceased. He also submts that in his re-statement, the informant did not disclose the name of the petitioner. He further submits that the police after investigation submitted charge sheet against the First Information Report named accused persons on 17.01.2018, and at that time, the name of the petitioner had not figured. However, during the course of further investigation, the informant raised suspicion against the petitioner as one of the two unknown persons involved in the alleged killing of his son only on the basis of the fact that the petitioner is the nephew of the main assailant.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner was not named in the First Information Report and subsequently also in the restatement by the informant before the police and after a



lapse of four months, a suspicion has been raised against the petitioner on the basis of being the nephew of the main assailant, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Akash Kumar Rai @ Md. Salman, in the event of his arrest or surrender before the Court below within four weeks, 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 Additional Chief Judicial Magistrate IV, Siwan, in connection with Siswan (Chainpur O.P.) Police Station Case No. 182 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

