

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1377 of 2019

Arising Out of PS. Case No.-181 Year-2018 Thana- BAKHARI District- Begusarai

Sitto Rai, son of Jugeshwar Singh, Resident of Village-Darha Hari Singh,
P.S.-Bakhri, District-Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65062 of 2018

Arising Out of PS. Case No.-181 Year-2018 Thana- BAKHARI District- Begusarai

Rakesh Raj @ Rakesh Kumar Kumar @ Rakesh Kr. Son of Sri Rajendra Rai,
Resident of Village Darhathansing, P.S.- Bakhri, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1377 of 2019)

For the Petitioner/s : Mr.Shantanu Kumar

For the Opposite Party/s : Mr.Sri Prem Kumar Jha

(In CRIMINAL MISCELLANEOUS No. 65062 of 2018)

For the Petitioner/s : Mr.Shaishav Kumar

For the Opposite Party/s : Mr.Sri Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 15-04-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 324, 302, 201 and 34
of the Indian Penal Code and Section 27 of the Arms Act.



The prosecution case got initiated on the basis of written report of Rakhi Devi submitted before the Station House Officer, Bakhri Police Station is to the effect that the informant came to know about a dead body kept in the police station when the informant went to police station, she came to know that the dead body has been sent to the Begusarai hospital for postmortem, when the informant went in the Begusarai hospital, she found the dead body of his son Bittu Kumar with two firearm injuries and several knife blows. Hence, she raised suspicion against seven FIR named accused persons, including, the petitioner Sitto Rai since they used to gave life threat to his son in the background of land dispute.

It is submitted by learned counsel for the petitioners that only on the basis of suspicion, the accusation has been levelled against the petitioner and admittedly, the informant is not the eye witness to the alleged occurrence. Subsequently protest petition was filed and thereafter, some FIR named accused persons were examined and several other persons were roped in the present case. During investigation, confession of co-accused Chandan was recorded in paragraph no. 134 of the case diary and statement of Moti Rai in pragraph no. 82 of the case diary to the effect that co-accused



Chandan was associated with victim when co-accused Hari Narayan Mahto assaulted with knife. It is alleged against the petitioner Rakesh Raj in Criminal Miscellaneous No. 65062 of 2018 that he caught hold of the hand of the victim whereas, the petitioner Sitto Rai in Criminal Miscellaneous No. 1377 of 2019 is alleged to have attended the party along with the other accused persons following which the victim was killed. It is further submitted that co-accused Chandan Rai and Hari Narayan Mahto have already been granted bail by different Benches of this Court vide orders dated 04.10.2018 and 05.02.2019, passed in Criminal Miscellaneous No. 52096 of 2018 and Criminal Miscellaneous No.4627 of 2019 respectively. Though the petitioner Rakesh Raj in Criminal Miscellaneous No. 65062 of 2018 is accused in four other cases apart from the present case, whereas, Sitto Rai in Criminal Miscellaneous No. 1377 of 2019 is accused in one other case apart from the present case.

Learned counsel for the informant submits that as soon as the informant came to know about the murder of his son, she lodged FIR initially against seven accused persons including the petitioner Sitto Rai and some unknown, but subsequently, when she came to know that the petitioner



Rakesh Raj is also involved in the incident of killing of his son, she filed protest petition.

Considering the fact that the accusation is based on the basis of suspicion and co-accused Chandan who named the petitioner has already been granted regular bail by a Co-ordinate Bench of this Court, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-V-cum-Sub-Judge-III, Begusarai, in connection with Bakhri P. S. Case No.181 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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