

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37965 of 2019

Arising Out of PS. Case No.-729 Year-2018 Thana- TURKAULIYA District- East
Champaran

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SUDISH RAI Son of Shiv Parsan Ray Resident of Village - Jaisinghpur
Mauje, P.S.- Turkouliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-06-2019 Heard both sides.

The petitioner apprehends his arrest in Turkauliya P.S.
case No. 729 of 2018 registered under Section 147, 148, 149,
341, 302 of the IPC.

The father of the deceased named ten persons
including the petitioner, Sudish Rai, and alleged that all the
accused persons, having armed with different weapons,
surrounded his son, Dharmendra, and thereafter the petitioner
and others, namely, Achelal Rai, Sunil Kumar, Abhay Kumar,
Mohan Rai and Anil Kumar caught his son from behind and on
such Jitendra Rai pierced Gupti, a sharp edged weapon, in the
chest of Dharmendra. Gabbar Rai and Dilip Rai gave dagger
blows in the abdomen and other parts of body of Dharmendra.

The learned counsel for the petitioner submits that
petitioner along with other accused persons are alleged to have



caught the deceased but allegation of assault with Gupti and dagger was made against Jitendra Rai, Gabbar Rai and Dilip Rai. Similarly situated accused Achhelal Rai has been granted bail but it appears that there is specific allegation against petitioner and others, namely, Achhelal Rai, Sunil Kumar, Abhay Kumar, Mohan Rai and Anil Kumar that they all caught the deceased from behind and only thereafter Jitendra Rai pierced Gupti in his chest and Gabbar Rai and Dilip Rai inflicted dagger blows in the abdomen of Dharmendra, who died on the spot. It appears that petitioner also actively participated in the offence of murder by catching the deceased and only thereafter Jitendra Rai, Gabbar Rai and Dilip Rai inflicted fatal blows. Achhelal Rai and others, who are alleged to have caught the deceased, have been granted regular bail.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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