

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73674 of 2018

Arising Out of PS. Case No.-99 Year-2018 Thana- TAJPUR District- Samastipur

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Bhikhari Ray @ Bhikhari Rai, Son of Sri Milan Ray @ Rammilan Rai,
Resident of village- Rariyahi, P.S.- Tajpur (Halai), District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

Mr. Udbhav

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 08.08.2018 in a case registered for the offences punishable under Sections 307, 323, 324, 326, 341, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act and subsequently Section 302 of the Indian Penal Code was also added.

The prosecution case as per the written report of Chinta Sahani submitted to SHO, Tazpur (Halai O.P.) is to the effect that on 06.04.2018 at 3.00 A.M., the son of the informant



Vakil Sahani was taken by Bhikhari Rai (petitioner) and co-accused Sonu Rai along with 4-5 persons in the car of the petitioner. On the same day at about 10.00 A.M., the informant came to know that her son has been shot dead and his dead body has been thrown underneath the 13 no. bridge, which has been taken by the police.

It is submitted by learned counsel for the petitioner that from allegation in the written statement, it appears that the informant did not see the actual person in whose company the informant's son left the house. It is further submitted that the only allegation in the FIR made against the petitioner is that his car was used in the alleged occurrence. It is further submitted that during investigation, it has transpired that the car was found registered in the name of one Ranjeet Sahani. Though the informant in his written statement has alleged that his son went in the company of the petitioner and co-accused Sonu Rai, but during the investigation, no direct evidence has been collected against the petitioner, hence the entire accusation is based on mere suspicion.

Learned APP after going through case diary submits that the victim was a police informer and was obstructing the business of illicit liquor of the petitioner and other co-accused



persons, hence he was killed by the petitioner and other co-accused persons. The informant in his statement named the petitioner, however he admits that there is no eye witness to the occurrence.

Considering the suspicious nature of accusation, coupled with statement made in paragraph no. 3 of the petition that he is on bail on a case registered against him, 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 **ACJM-I, Samastipur** in connection with **Tajpur (Halai O.P.) P.S. Case No. 99 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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