

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68606 of 2018

Arising Out of PS. Case No.-261 Year-2017 Thana- BIDUPUR District- Vaishali

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1. VIKASH KUMAR @ VIKASH KR. RAY and ORS Son of Upendra Ray
 2. Anil Rai @ Anil Kumar Rai Son of Upendra Rai
 3. Raj Kishore Rai Son of Upendra Ray All Resident of Village-Khapura,P.S. Bidupur,Distt.-Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-04-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302 and 120B of the IPC and Section 27 of the Arms Act.

The prosecution case as per the Fardbeyan of Ripu Devi recorded by SI, Paneshwar Paswan of Bidupur Police Station on 27.8.2017 at 6.00 P.M., is to the effect that on the same day at about 5.00 A.M., the informant's husband , namely, Harendra Rai went for morning walk with his co-villager Mansari Rai. While returning home, three motorcycle borne criminals surrounded and shot the husband of the informant dead. On hearing the sound of firing, the informant came out of



his house and saw petitioner nos. 2 and 3 running from the place of occurrence. Hence, the informant suspected that in the background of land dispute with her agnates including the petitioners, the accused persons including the petitioners have killed the husband of the informant.

It is submitted by learned counsel for the petitioners that only on the basis of suspicion, the accusation has been levelled. It is further submitted that the petitioners were not even found by the informant at the place of alleged occurrence and the in the background of previous land dispute, the accusation has been levelled against the petitioners. Statement has been made in paragraph 3 of the petition that petitioner nos. 1 and 2 are not having any criminal antecedent and petitioner no. 3 is accused in one other case.

Learned APP after going through the case diary submits that the informant and other witnesses have raised suspicion against the petitioners and others in the background of previous land dispute that they might have conspired to kill the informant's husband.

Considering the fact that the accusation is based on suspicion and informant is not the eye witness of the alleged occurrence, there is no material on record to suggest the



petitioner's involvement in the alleged occurrence, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM XIV, Vaishali at Hajipur, in connection with Bidupur P.S. Case No.261 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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