

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55883 of 2019

Arising Out of PS. Case No.-122 Year-2012 Thana- KATEYA District- Gopalganj

1. NAV RATAN RAI @ NAV RAT RAI Son of Sampat Rai Resident of Village-Salao, P.S.-Darauli, District-Siwan.
2. Satendra Rai @ Satyendra Rai Son of Sampat Rai Resident of Village-Salao, P.S.-Darauli, District-Siwan.
3. Janakraj Rai @ Janak Rai Son of Late Harihar Rai Resident of Village-Salao, P.S.-Darauli, District-Siwan.
4. Narsing Mishra @ Narsingh Mishra Son of Babulal Mishra Resident of Village-Salao, P.S.-Darauli, District-Siwan.
5. Ramesh Mishra Son of Babulal Mishra Resident of Village-Salao, P.S.-Darauli, District-Siwan.
6. Triloki Nath Rai @ Viloki Nath Rai Son of Ram Prasad Rai Resident of Village-Salao, P.S.-Darauli, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kateya P.S. Case No.122 of 2012 registered under Sections 302 and 120B/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that the petitioners entered the house of the informant and locked the informant, his younger



son Chandan Kumar, daughter Sunita Kumari and daughter-in-law in a room. Thereafter, Trilokinath Rai (petitioner no.6) and Satendra Rai (petitioner no.2) caught hold of Sujit Rai, the son of the informant, and took him on Veranda and Nav Ratan Rai (petitioner no.1) fired from his country made pistol at the stomach of Sujit Rai, due to which he fell down after sustaining injury. Thereafter, the petitioners fled away from there. Sujit Rai, the son of the informant, was taken to the Primary Health Centre, Kateya, from where he was referred to Sadar Hospital, Gopalganj, where he died after ten minutes of reaching there.

Learned counsel for the petitioners submits that while the petitioners are named in the F.I.R. but, after investigation, the police submitted the final form against them but the learned Judicial Magistrate differing with the final form took the cognizance of the offence against the petitioners under Sections 302 and 120B/34 of the Indian Penal Code besides Section 27 of the Arms Act.

From perusal of the First Information Report, it appears that there is specific allegation against the petitioner nos.2 and 6, namely, Satendra Rai alias Satyendra Rai and Triloki Nath Rai alias Viloki Nath Rai, respectively, who caught hold of the son of the informant and took him on the veranda,



and the petitioner no.1, namely, Nav Ratan Rai alias Nav Rat Rai, who shot fire from his country made pistol at him.

Having considered the facts and the circumstances of the case, let the petitioner nos.3, 4 and 5, namely, Janakraj Rai alias Janak Rai, Narsing Mishra alias Narsingh Mishra and Ramesh Mishra, respectively, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, in connection with Kateya P.S. Case No.122 of 2012, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner nos.1, 2 and 6, namely, Nav Ratan Rai alias Nav Rat Rai, Satendra Rai alias Satyendra Rai and Triloki Nath Rai alias Viloki Nath Rai, respectively, are concerned, considering the nature of allegation against them, I am not inclined to grant anticipatory bail to the petitioner nos.1, 2 and 6, above named. Accordingly, the prayer of the petitioner nos.1, 2 and 6 for grant of anticipatory bail stands rejected. However, the petitioner nos.1, 2 and 6, above named, are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered



by the trial court in accordance with law without being
prejudiced by the order of this Court.

This application stands disposed of accordingly.

(Rajendra Kumar Mishra, J)

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