

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58508 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- AKILPUR District- Saran

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1. RAM CHANDRA RAI, aged about 75 years, Male, S/o Late Sirja Rai R/o village- Purani Panapur, P.S.- Akilpur, District- Saran at Chapra
 2. Manoj Rai, aged about 45 years, Male, S/o Ram Chandra Rai R/o village- Purani Panapur, P.S.- Akilpur, District- Saran at Chapra
 3. Buddha Rai @ Burha Rai, aged about 40 years, Male, S/o Ram Chandra Rai R/o village- Purani Panapur, P.S.- Akilpur, District- Saran at Chapra
 4. Ajeet Kumar Rai, aged about 38 years, Male, S/o Achhe Lal Rai R/o village- Purani Panapur, P.S.- Akilpur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Radha Mohan Singh, Advocate
For the State	:	Mr. Nagendra Prasad, APP
For the O.P.	:	Mr. Kumar Ravish, Advocate
		Mr. Alok Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-09-2019 Learned counsel for the petitioners submits that petitioner no.3, namely, Buddha Rai @ Burha Rai has already been arrested and in this view of the fact, prayer for anticipatory bail on behalf of petitioner no.3 has become infructuous.

Accordingly, as prayed for, prayer for anticipatory bail of petitioner no.3, namely, Buddha Rai @ Burha Rai is dismissed as withdrawn.

Heard both sides.

The petitioners apprehend their arrest in Akilpur P.S.

Case No.16 of 2019, registered under Sections 307, 379 and 34



of the Indian Penal Code and under Section 27 of the Arms Act.

The informant disclosed that Puja Kumari, the daughter of his co-villager, Manager Rai was married with Satendra Kumar, son of Ramashray Rai but Satendra Kumar and his family members killed Puja Kumari. Lal Mohan Rai, the brother of the deceased, Puja Kumari asked the informant to accompany him to the house of Satendra Kumar to know the reasons of killing of Puja Kumari. When the informant and others went to the house of Satendra Rai, there was none and the house was locked from outside. On the request of Lal Mohan Rai, the informant and others along with Lal Mohan Rai went to the house of Ram Chandra Rai, the maternal uncle of Satendra Kumar, but when Ram Chandra Rai saw the informant and others, he ordered and on such, his sons, namely, Arvind Rai and Manoj Rai made indiscriminate firing. One of the shots hit on the thigh of the informant. Buddha Rai, the third son of Ram Chandra Rai is alleged to have snatched chain made of gold and Ajeet Kumar Rai, the villager of Ram Chandra Rai is said to have taken away Rs.21,000/- from the pocket of the informant.

Learned counsel for the petitioners submits that Ram Chandra Rai, petitioner no.1 is order giver and he is an old man aged about 75 years. Manoj Rai, petitioner no.2 is also alleged



to have fired but his shot did not hit anybody. Ajeet Kumar Rai, petitioner no.4 is stranger to the family and he is not related with the occurrence but he was implicated in the case only because he was neighbour of Ram Chandra Rai and he was present on the place of occurrence.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State opposed the prayer for anticipatory bail.

It appears that without any provocation when the informant and others had gone to the house of Ram Chandra Rai, the maternal uncle of Satendra Kumar, who killed Puja Kumari, the sister of Lal Mohan Rai, to enquire about the occurrence, Ram Chandra Rai exhorted and on such his two sons, petitioner no.2 Manoj Rai and Arvind Rai, who is not petitioner here, made indiscriminate firing.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners no.1 and 2, namely, Ram Chandra Rai and Manoj Rai on anticipatory bail. Accordingly, the prayer for anticipatory bail on behalf of petitioners no.1 and 2, namely, Ram Chandra Rai and Manoj Rai is rejected.

So far as the case of petitioner no.4, namely, Ajeet Kumar Rai is concerned, he is only alleged to have taken out



Rs.21,000/- from the pocket of the informant but it appears that he is not the family member of Ram Chandra Rai and only allegation against Ajeet Kumar Rai is of snatching money from the pocket of the informant.

Having considered the facts aforesaid, let petitioner no.4, namely, Ajeet Kumar Rai, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIV, Saran at Chapra in connection with Akilpur P.S. Case No.16 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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