

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58876 of 2019

Arising Out of PS. Case No.-610 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

Raghav Roy, aged about 26 years, Male, S/o Late Shiv Narayan Roy, R/o village- Sahopari, P.S.- Biroul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-09-2019 Heard both sides.

The petitioner apprehends his arrest in Laheriasarai (Beta O.P.) P.S. Case No.610 of 2018, registered under Sections 307 and 34 of the Indian Penal Code as well as under Section 27 of the Arms Act. Later on Section 302 of the Indian Penal Code was added.

The informant alleged that Vikash Kumar Jha, Raushan Jha and petitioner Raghav Roy came to his house in search of his brother and on enquiry, they also abused the mother of the informant. The accused persons went in search of his brother with an object to kill him but after sometime the informant came to know that his brother Rohit Kumar Jha was shot and he was taken to D.M.C.H. The informant further disclosed that Shyam Kumar Pathak and eye witnesses of the occurrence disclosed that while he



was taking tea on a tea stall situated near the clinic of Dr. Manoj Kumar in Alpatti, the petitioner and some unknown persons came and surrounded his brother and Vikesh Kumar Jha shot his brother resulting in his death.

Learned counsel for the petitioner submits that there is no allegation of firing against the petitioner. It was Vikash Kumar Jha who opened fire killing Rohit Kumar Jha but it transpired from the contents of the FIR itself that the petitioner and two other persons were running after the life of Rohit Kumar Jha. When he was not found inside the house, the petitioner went outside the house of the deceased in search of Rohit Kumar Jha. Rohit Kumar Jha was found at a tea stall situated near the clinic of Dr. Manoj Kumar. The petitioner and others caught him and Vikash Kumar Jha shot him dead.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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