

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.63611 of 2019

Arising Out of PS. Case No.-610 Year-2019 Thana- DANAPUR District- Patna

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Nand Kumar Rai @ Nand Rai @ Dangar Rai @ Sagar Rai, male, aged about 45 years, Son of Late Sita Ram Ray, Resident of Village - Biscuit Factory More, Nasariganj, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umakant Shukla, Sr. Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 18-10-2019 Heard learned counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Danapur P.S. Case No. 610 of 2019, dated 01.08.2019, instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

It appears that the deceased was snatched of his 1,000/- rupees which was carrying on his person by one



Kundan Kumar and Raushan Kumar.

Aforesaid Kundan Kumar is the son of the petitioner.

It is alleged in the First Information Report that when the informant came to know about this through his son, he made a complaint to the petitioner about the conduct of his son. He was but thrown out of the house. After about some days of this occurrence, the deceased was again carrying 1,000/- rupees which was attempted to be snatched by the son of the petitioner, viz., Kundan Kumar and aforesaid Raushan Kumar. On protest by the deceased, he was shot at by the aforesaid two boys, who were immediately arrested and sent to jail.

It has been submitted that for the fault committed by the son of the petitioner, he ought not to be prosecuted. There is no evidence whatsoever regarding any abetment in committing the crime of murder as the petitioner was not even present at the time when this occurrence has taken place. There also does not appear to be any conspiracy of the petitioner in getting the deceased killed.



It has further been submitted that it is quite evident that the son of the petitioner has gone wayward. However, for this, the petitioner ought not to be sent to jail.

The petitioner has clean antecedents and is employed with Food Corporation of India.

Considering the facts aforesaid, the petitioner/Nand Kumar Rai @ Nand Rai @ Dangar Rai @ Sagar Rai, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Chief Judicial Magistrate, Danapur in connection with Danapur P.S. Case No. 610 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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