

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75127 of 2019

Arising Out of PS. Case No.-76 Year-2019 Thana- MAHINDWARA District- Sitamarhi

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RAMASHANKAR RAI @ RAM SHANKAR RAY S/o Ram Chandra Rai
Resident of Village- Bagahi Gaushnagar, P.S.- Mahindwara, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Jha
For the Informant : Mr. Amit Kumar,
For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State. Learned counsel for
the informant is also present.

The petitioner apprehends his arrest in connection
with Mahindwara P.S. Case No. 76/2019 registered for the
offence punishable under Sections 302/120(B)/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
present petitioner has merely been named in the FIR as one of
the persons who had attacked the deceased which led to his
death. It is further submitted that the entire allegations are false
and mischievous and the present petitioner has been roped in



merely because he has become an identifier of the sale-deed and has nothing to do with the occurrence as has been alleged. Learned counsel for the petitioner further submits that even the post-mortem report does not reveal the cause of death and the Viscera has been sent for examination. It is further submitted that the post-mortem report, in fact, states that the cause of death is not known and that there are no external injuries. It is also submitted that the petitioner has no criminal antecedents.

The prayer for anticipatory bail has, however, been opposed by learned counsel for the informant who submits that the present petitioner was actively involved in the occurrence and, therefore, he could not be extended the privilege of bail.

Considering the aforementioned facts and circumstances and that the post-mortem report does not indicate the evidence of any external injury and that the said medical report falsifies the FIR and places the said prosecution case under a cloud, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi, in connection with Mahindwara P.S. Case No.



76/2019, subject to the conditions as laid down under Section
438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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