

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18132 of 2020

Arising Out of PS. Case No.-307 Year-2019 Thana- SAHPUR District- Patna

RAJU RAI Son of Jamun Rai Resident of Village - Nurpur Chandmari, P.S. -
Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Yogesh Chandra Verma, Sr Advocate with Mr Manoranjan Kumar, Advocate
For the Opposite Party/s	:	Mr Md Matloob Rab, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 24-06-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Shahpur Police Station (for brevity, *PS*) Case No 307 of 2019 instituted for the offence punishable under Section (s) 302/34 of Indian Penal Code.

Allegation against the petitioner is that he came to the



informant's house and asked to meet his son, Deepak. Deepak left with the petitioner. Later, informant saw the petitioner with his father and brothers talking with Deepak. In the evening, informant's wife started looking for Deepak as he had not returned. She saw certain persons running away after throwing Deepak in the well. She raised an alarm where after nearby people gathered and pulled the dead body of Deepak out of the well. Both hands and both legs of Deepak were tied with rope and wire. Informant names Jamun Rai, his three sons along with 2 to 3 persons of the Mushari to be the killers.

It is submitted by learned senior counsel for the petitioner that no motive whatsoever has been assigned. Neither informant nor his wife are eye witness of the alleged occurrence, let alone petitioner's presence at the time their son has been done to death or thrown in the well. The informant's wife has not named the petitioner as being one of the persons who threw her son in the well. As per prosecution case, informant's son has gone on his own and was not forcibly taken away by the petitioner. Occurrence is alleged to have taken place on 03.08.2019. First information report (for brevity, *FIR*), however, has been lodged on 04.08.2019. In respect of Deepak's killing, there are two other versions. One is the *FIR*



registered on self-statement of the Station House Officer on 04.08.2019 wherein it is alleged that body of deceased was pulled out of the well at “Mushari” and sent to the Sub Divisional Hospital, Danapur. Protesting against killing of Deepak, 250 – 300 unknown persons had indulged in arson and violence for which Shahpur PS Case No 308 of 2019 was lodged. One Bajrangi Manjhi has also lodged a third case vide Shahpur PS Case No 309 of 2019 on 03.08.2019 itself alleging that persons of a particular community, hundreds in number, have committed loot and arson in the Mushari.

Though the inquest has been done at 11.30 am on 03.08.2019 itself, FIR has been submitted in the PS much later, i e, at 8.30 pm on 03.08.2019. FIR, however, has been registered on 04.08.2019, i e, on the next day. The petitioner has no criminal antecedent as per statement made in paragraph 3 of the bail application and he is in custody since 05.08.2019.

Learned APP for the State has opposed the prayer for bail by submitting that the deceased had gone with the petitioner and was last seen with him and his family members.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of Additional Chief Judicial Magistrate I, Danapur (Patna) in connection with Shahpur PS Case No 307 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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