

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17247 of 2020**

Arising Out of PS. Case No.-43 Year-2017 Thana- RAJAOLI District- Nawada

VISHWAS @ BABLU Son of Late Kailash Singh Resident of Village -
Baijda, P.S. - Rajauli, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 23-09-2020 Heard learned counsel for the petitioner and Mr.
Ram Sevak Choudhary, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Rajauli P.S. Case No. 43 registered for
the offences punishable under Sections 302, 201 and 34 of the
Indian Penal Code.

Learned counsel submits that in course of
investigation the supervising authority has recorded that there is
no clarity as to who had killed the deceased. It is further
submitted that this petitioner is the nephew of the deceased and
has been residing in the State of Gujarat. He had come on the
occasion of Shraadh Ceremony of his grand mother.

Learned APP for the State has opposed the prayer for
anticipatory bail of the petitioner. It is submitted that in the case



diary independent witnesses have stated in paragraph '29' and '30' that there had been a dispute between the petitioner and the deceased over performance of the Shraadh Ceremony of the grand mother of the petitioner and the deceased had declared that he would perform Shraadh ceremony by selling his land whereupon there had been a dispute. The witnesses had seen this petitioner along with an unknown person. The witnesses had tried to convince the petitioner but he was not ready to be convinced and had threatened to commit some wrong with the deceased. It is, therefore, submitted that the petitioner does not deserve the privilege of anticipatory bail.

Learned APP has also submitted that the case is of the year 2017 and the kind of injury noticed on the person of the deceased would indicate that he had been brutally murdered.

Having regard to the facts and circumstances of the case, the materials present in the case diary in the form of statement of the witnesses as recorded hereinabove has prima-facie substantiated the allegations against the petitioner, I am not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today,



his prayer for regular bail shall be considered on its own merit
without being prejudiced by the present order of this Court.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

