

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21376 of 2020

Arising Out of PS. Case No.-200 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

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PAPPU RAY @ PRINCE PAPPU S/o Suresh Ray R/o- Village- Dighi Purvi
@ Dighi Khurd, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Chandra Gandhi
	:	Mr.Chandra Kant
For the Opposite Party/s	:	Mr.Binod Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 25-09-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Hajipur Sadar P.S. Case No. 200 of 2017 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 337, 338, 307 and 302 of the Indian Penal Code.

It is alleged in the F.I.R. that the informant received a call from one of his friends Manish Kumar, seeking his help, as he was being mercilessly assaulted by co-accused Rajiv Kumar and his fifteen associates. The informant reached the place indicated to find that said Rajiv Kumar and his fifteen associates were mercilessly beating up Manish Kumar and Neeraj Kumar. When the informant reached, he was also assaulted by the



miscreants because of which he became unconscious. Said Manish Kumar and Neeraj Kumar were beaten to death. Their dead bodies were dragged and thrown away behind Sudha Dairy. The deceased were taken to hospital, where they were declared dead. The petitioner was not named in the F.I.R., during the course of investigation, co-accused Mukesh Kumar was apprehended by the police, who disclosed the petitioner's name as one of the persons, who had participated in commission of the offence.

Learned counsel appearing on behalf of the petitioner has submitted that except for the confessional statement of co-accused, there is no material justifying petitioner's implication. He has further submitted that similarly situated other co-accused persons namely Guddu Kumar, Ranjeet Ray, Rupesh Kumar, Lokesh Kumar, Randhir Kumar and Butan Das have been allowed anticipatory bail by this Court by orders dated 27.07.2018 passed in Cr. Misc. No.39976 of 2018 and 08.08.2018 passed in Cr. Misc. No. 40072 of 2018. The said two orders have been brought on record by way of Annexures.

On perusal of the aforesaid two orders, it is evident that, this Court did not have the occasion to consider the case diary. Further, the Supreme Court in case of *Jai Prakash Singh*



v. The State of Bihar and others reported in (2012) 4 SCC 379 (SC) has held that anticipatory bail in murder cases can be granted only in exceptional cases, where the Court is of the *prima facie* view that the applicant was falsely enroped in the crime and was not likely to misuse the liberty. The Supreme Court has added that, the Court must not yield to spasmodic sentiments or to unregulated benevolence in such matters.

I have carefully perused the case diary. The confessional statement of co-accused Mukesh Kumar gives a vivid description of the manner in which, the crime was committed. The said statement gives an indication that there was gang formed of criminals, of which, the two victims who died, the petitioner and others were members. Out of some dispute, which had arisen among them, a plan was hatched up to kill the two persons, who died and the informant. He further disclosed the ghastly manner in which, the two deceased persons were dragged and brutally assaulted. The confessional statement corroborates the case of the prosecution, as disclosed in the F.I.R. Blood stained clothes were also recovered from the person of said Mukesh Kumar. There are other materials available in the case diary, which support the case of the prosecution.



In the facts and circumstances, as noted above, I do not consider it to be a fit case for grant of anticipatory bail.

This application is accordingly rejected.

The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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