

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26408 of 2020

Arising Out of PS. Case No.-219 Year-2018 Thana- KATRA District- Muzaffarpur

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SANJAY RAI @ SANJAY KUMAR YADAV Son of Ramsakal Rai Resident of
Village- Singhwari, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das
Mr.Anil Kumar

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 25-11-2020 Heard Mr. Pankaj Kumar Das, learned counsel for
the petitioner and Mr. Akbar Ali, learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest inconnection with Katra P.S. Case No. 219 of 2018
dated 12.10.2018 instituted for the offence under Section
302, 120(B) and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner
that though in the long F.I.R., the name of the petitioner has



transpired but so far as the accusation of killing the deceased is concerned, the same is based on conjecture and surmises. There is no eye-witness of the occurrence and the only evidence which could be collected during the course of investigation is the confession of one Guarav Thakur, who has claimed that the petitioner also participated in the occurrence. It has, therefore, been urged that the accusation against the petitioner is based on mere suspicion and it cannot be called a circumstantial evidence.

However, considering the nature of accusation against the petitioner, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is rejected.

If the petitioner surrenders before the Court below and seeks bail, the Court below would consider his petition on its own merit taking into account the fact that there is no eye-witness of the occurrence and the implication of the petitioner is based on some remote facts which may or may not have any bearing with the offence and shall pass order in accordance with law without being prejudiced by the fact



that the present petition for grant of anticipatory bail has not
been entertained.

(Ashutosh Kumar, J)

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