

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24465 of 2020

Arising Out of PS. Case No.-190 Year-2019 Thana- HATHAURI District- Muzaffarpur

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RAMJATAN RAI S/o Late Bhola Rai Resident of Village-Roshi, P.S.-
Hathaudi, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 09-12-2020 Heard Mr. Ajay Kumar Thakur, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with

Hathaudi P.S. Case No. 117 of 2012 registered for the offences

punishable under Section(s) 302 and 201/34 of the Indian Penal

Code, 1860.

The allegation as per the First Information Report is

that the petitioner along with other accused persons arrived at

the house of the informant and took along his grandson with

them for the purpose of visiting fair and, thereafter, the

informant came to know that he has been killed and his dead

body was found lying in a ditch near the brick kiln of the village

of the informant. It has further been alleged that the informant



came to know that the petitioner and other accused persons took along his grand son with them with intention to marry with the daughter of the petitioner. When the informant along with others went to the house of the petitioner Ram Jatan to enquire about his grandson, the petitioner stated that he would perform marriage of his daughter with grandson of the informant and if he would not agree, then his grandson would be killed.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as from perusal of the First Information Report, it would be evident that the date and time of the accused persons arriving at the door of the informant is not mentioned and, after recovery of the dead body of grandson of the informant on 10.10.2019 in the village of the informant itself, the First Information Report has been lodged on 10.10.2019 at about 12:15 p.m. Learned counsel further submits that the First Information Report does not disclose that at what time and date, the grandson of the informant was taken away by the accused persons. Learned counsel also submits that from the inquest report, it would be evident that it was prepared at about 10:05 A.M. in the morning on 10.10.2019 and, thereafter, the present First Information Report has been lodged implicating falsely the petitioner with



oblique motive. Learned counsel further submits that one of the co-accused person namely, Ram Binod Rai, who was arrested by the Police, a co-ordinate Bench of this Court after taking into consideration the materials in the case diary, has been pleased to grant regular bail to him vide order dated 18.01.2020 passed in Cr. Misc. 83728 of 2019.

Learned counsel for the petitioner referring to paragraphs 35, 44 and 45 of the case diary submits that the witnesses have said that on the alleged date of occurrence i.e. 10.10.2019, the victim boy had come back after immersion of the idol of Goddess Durga and was sitting at his door when a young man who has not been identified, had arrived at his door and the grandson of the informant went along with that person, and, thereafter, he did not return. In paragraph 45 of the case diary it is specifically mentioned that the petitioner has land dispute with one Ramesh Rai @ Dholan Rai and, Dholan in order to falsely implicate the petitioners and others in this case, has spread rumour that the petitioner wanted to marry his daughter with the grandson of the informant.

On the other hand, learned counsel for the State referring to the case diary submits that the informant and other witnesses have supported the prosecution story and in



paragraph-55 of the case diary it has come that when the grandson of the informant refused to marry with the cousin of Dholan Rai, he along with other co-accused persons killed the grandson of the informant.

Having regard to the submissions made by the parties and taking into consideration the materials in totality, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur (East), in connection with Hathaudi P.S. Case No. 117 of 2012, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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