

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27520 of 2020

Arising Out of PS. Case No.-393 Year-2018 Thana- BARH District- Patna

1. Ram Sagar Rai @ Ram Sagar Gop, aged about 55 years, Male, Son of Late Rajan Gop
2. Rakesh Kumar, aged about 32 years, Male, Son of Ram Sagar Rai @ Ram Sagar Gop, both resident of Village - Basobagi, P.S.- Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate
For the State : Mr.Ram Bilas Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-12-2020 Heard the parties through the virtual court proceeding.

The petitioners seek bail in connection with Barh P.S.
Case No. 393 of 2018 registered for the offences punishable
under Sections 302, 201, 120(B), 34 of the Indian Penal Code.

The prosecution case, in brief, as contained in the
written report of the informant, namely, Sonu Kumar, is that his
younger brother Rahul Kumar had gone along with tempo driver
Dharamveer Kumar to supply the water on dated 10.10.2018
and at about 6:00 P.M., he was proceeded from Bhagwan Water
Factory. They have unloaded the cartoon of water at Athmalgola
and coming towards their village. Dharamveer Kumar has stated
to him that Rahul Kumar was talking on mobile with Anjali



Kumari, daughter of Ram Sagar Rai and set the place to meet with her. At about 8:30 P.M., Anjali was standing in front of her house have torch in her hand and waiting to Rahul Kumar. When they reached there, then Rahul Kumar step down from the vehicle after seeing to Anjali and told him that he may proceed with the vehicle thereafter, Rahul Kumar called to him by his mobile No.6205378911 and stated that he has caught with Anjali by both the brothers and father of Anjali and assaulting him. Today, on dated 11.10.2018 at about 6:00 A.M., he came to know that the dead body is lying near village Jamuni Chak, Durga Mandir in agricultural land thereafter, he went there and found dead body without head but he has identified after seeing the mole on the chest of the dead body and the clothes of his brother.

Learned counsel for the petitioners submits that the petitioners are quite innocent, have committed no offence and have falsely been implicated in the present case. Learned counsel for the petitioners further submits that the petitioners have got no any criminal antecedent and petitioners are in jail custody since 24.01.2020. The petitioners are not named in the F.I.R. In the confessional statement of Dharamveer Kumar, the petitioners have been made accused in the present case.



Learned A.P.P. for the State has opposed the payer for bail.

I have perused the record including the case diary. The statement of Dharamveer Kumar under Section 164 Cr.P.C. has been recorded. The petitioners and others are involved in the present case. The witnesses have supported the prosecution case.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioners on bail. Accordingly, the prayer for bail of the above named petitioners in connection with Barh P.S. Case No393 of 2018 pending in the court of learned A.C.J.M.-1st, Barh, Patna is hereby rejected at this stage.

(Anjani Kumar Sharan, J)

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