

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74177 of 2019

Arising Out of PS. Case No.-130 Year-2018 Thana- DIGHA District- Patna

NAKAT RAI Son of Jairam Rai Resident of Digha Road, Patipul, P.S.- Digha,
District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-03-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Digha Police Station Case No. 130 of 2018, disclosing offences under Sections 302/120B/34 of the Indian Penal code and Section 27 of the Arms Act..

The petitioner is not named in the First Information Report.

The prosecution story is that the father of the informant was going to market when he was accosted by 4 named accused persons, namely, Sunny Roy, Vikash Roy, Lallu Roy and Ashish Kumar, along with other 4 unknown persons, who fired upon father of the informant, resulting in his death.

Learned Counsel for the petitioner submits that the



petitioner is not named in the First Information Report and he has falsely been implicated in this case merely on the basis of the fact that he happens to be the father of the named accused persons, Sunny Roy and Vikash Roy. He further submits that the name of the petitioner has transpired in course of investigation on the basis of the fact that the petitioner was immediately talking with the named accused person Sunny Roy and one Ravi Dome. He further submits that according to the para 8 the mobile in question does not belong to the petitioner.

On the other hand learned counsel appearing for the State, referring to the case diary, submits that in course of investigation it has come to light that there was talk on mobile between the petitioner and the named accused persons, Sunny Roy and one Ravi Dome, who has fired upon the father of the informant. Learned counsel for the petitioner in reply refers to Annexure 2 page 14 which is the deposition of PW 1 during the course of the trial in this case and submits that the informant (PW 1) has not disclosed the name of the petitioner in his deposition and has also refused to identify Ravi Dome with whom the petitioner was immediately found talking on mobile.

Having regard to the submission made on behalf of the parties and taking into consideration the fact that petitioner is



not named in the First Information Report and the informant in his deposition, did not disclose the name of the petitioner as one of the accomplices of the crime, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Nakat Rai , in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna , in connection with Digha Police Station Case No. 130 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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