

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82056 of 2019

Arising Out of PS. Case No.-310 Year-2019 Thana- NAUBATPUR District- Patna

ARUN KUMAR @ BADAN RAI @ ARUN RAI, aged about 40 years, Male,
Son of Late Sukhari Rai, Resident of Village- Tillu Tola (Sadisopur), P.S.-
Naubatpur, District- Patna, at present Nearby Sadisopur Railway Station- P.S.-
Bihta, District- Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Bhim Kumar Yadav, Adv.
For the Opposite Party : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 24-06-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state through video
conferencing.

The petitioner seeks pre-arrest bail in connection with
Naubatpur P.S. Case No. 310 of 2019, registered under Sections
364 and 120B of the Indian Penal Code.

The accusation is that in the first week of September,
2018, petitioner, Arun Kumar, came at the house of
complainant/informant, Kameshwar Rai, and asked his son,
Arvind Kumar, aged about 18 years, to do the work of labourer
on the wage of Rs.500/- per day, thereafter, his son, Arvind
Kumar, moved with the petitioner. On 11.09.2018 Arvind
Kumar came on motorcycle with a boy, Kambuchha, then,
petitioner became anger and told that he had engaged him to do



the work and not for moving here-and-there. At that time, hot talk exchanged with the petitioner and his son, Arvind Kumar. Later on, on much persuasion, Arvind Kumar went to do the work of the petitioner. On 14.09.2018 the petitioner asked Arvind Kumar to go to do the work at Shankarpur Diara Balughat, where Kambuchha and Mohan Rai called him. When informant made query about his son, no satisfactory reply was given to him, then, the informant went to Shankarpur Balughat, but, no trace was found. On query, petitioner informed that all the labourers will come in the evening, but, in evening when labourers returned, his son was not with them. The informant had given the written complaint at Police Station, Naubatpur, but, no action was taken, then, he is filing the complaint in the Court.

Submission is that it would appear from the first information report, which is based on complaint petition, and the case diary, which is upto paragraph 25 that mere on suspicion, the informant has lodged the present case against the petitioner and two others. In fact, Arvind Kumar, son of the complainant/informant, Kameshwar Rai, is accused in Bihta P.S. Case No. 664 of 2017 registered under Sections 395, 397 and 412 of the Indian Penal Code and Bihta P.S. Case No. 665 of



2017 registered under Sections 25(1-B)A, 26 and 35 of the Arms Act and there is possibility of killing of Arvind Kumar, but, taking the advantage of missing of the son, the informant lodged the complaint case on 15.05.2019, after six months of the occurrence, which is the basis of the first information report. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Naubatpur P.S. Case No. 310 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, II, Danapur, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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