

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29741 of 2020

Arising Out of PS. Case No.-258 Year-2014 Thana- MITHANPURA District- Muzaffarpur

LALU RAJAK @ LALU, aged about 45 years, Gender-Male, S/o Sideshwar Rajak, Resident of Village- Ram Bagh, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Alok Kumar Alok, Advocate.

For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-01-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 302 and 201/34 of the I.P.C.

The prosecution story, in brief, is that on 03.09.2014, the informant got information that a dead body was lying in the Jhunni Shah Lane, Rambagh. Upon which, he alongwith others went there and saw a dead body of an approx 25 year old man lying along the P.C.C. Road. Seeing the dead body, it appeared



that the deceased had been killed by thrashing brutally by *Lathi* and *Danda*. The identification of the dead body was not established. On the right wrist of the deceased, it was inscripted Ramroop Yadav and Tabi Devi. It appeared to the informant that the deceased had been killed by unknown miscreants by using *Lathi-Danda*.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has come in the present case on the basis of statements of witnesses recorded in course of investigation. The said witnesses have made affidavit stating therein that they have not made any statement before the police under Section 161 of Cr. P.C. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. (East), Muzaffarpur, in connection with Mithanpura P.S. Case No. 258 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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