

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36510 of 2020

Arising Out of PS. Case No.-300 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

BATTIS RAI @ VISHWAJEET KUMAR Son of Ramanand Ramananad Rai
Resident of Village - Dighi Kala East , P.S.- Hajipur Sadar, Distt.- Vaishali,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in a case registered under Sections 302, 364, 201, 420, 406, 120(B) of the Indian Penal Code.

Prosecution case, in short, is that accused Avinash Singh had taken Rs.60 lacs from the informant's father and other villagers for securing job for them in railway, but he failed to give job in railway to anyone. When the informant's father and villagers demanded to refund money from co-accused Avinash Singh, he started making false excuses to refund



money. Co-accused Avinash Singh called the informant's father and villagers at his house. When they reached there, co-accused Avinash Singh used to go away from there and would tell that he has given the money to accused Raju Mali and he would pay the money to all the persons. Later on, dead body of father of the informant and one Raj Kumar Singh was recovered from railway track. The informant suspected that the accused persons and 10-15 unknown kidnapped and murdered the informant's father and one Raj Kumar Singh.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the allegation, at best it is a case of last seen. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioner in the present case. Some incriminating articles are said to have been recovered from the possession of co-accused Raju Mali. No incriminating article is recovered from the possession of the petitioner.



On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, 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 his personal bond to the satisfaction of learned C.J.M., Vaishali in connection with Hajipur Sadar P.S. case No.300 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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