

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2868 of 2021

Arising Out of PS. Case No.-661 Year-2020 Thana- FATUA District- Patna

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1. Arun Rai @ Tinku, aged about 35 years, male, Son of Sri Sikandar Rai, Resident of Village- Chaksultanpur, P.S.- Fatuha, District- Patna.
 2. Devendra Rai, aged about 37 years, male, Son of Sri Sikandar Rai, Resident of Village- Chaksultanpur, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 14-09-2021 Heard Mr. Sanjeet Kumar, the learned Advocate
for the petitioner No. 2 and the learned APP for the State.

The petitioner No. 2/Devendra Rai seeks bail in anticipation of his arrest in connection with Fatuha P.S. Case No. 661 of 2020, dated 14.09.2020, instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code.



The informant, who is the son of the deceased, has alleged that because of the association of his father (deceased) with one Shail Devi, he was threatened of dire consequences and on one occasion, the petitioner No. 2 along with petitioner No. 1 (whose application has earlier been withdrawn) had threatened that something unpleasant would happen shortly. A day after, the dead-body of the deceased was found near the house of aforesaid Shail Devi.

Mr. Sanjeet Kumar, the learned Advocate for the petitioner No. 2 has submitted that but for such a statement of the informant and few other witnesses, there is no other material to connect him with the offence. He submits that such statement, even if it is found to be correct, would hardly be an evidence strong enough for prosecuting the petitioner No. 2 for the offence of murder. It has further been submitted that such accusation is based on guess-work and more often than not, the product of the imagination of the person lodging the case. The deceased had developed liaison with aforesaid Shail Devi, whose husband never resided in the village as he had gone to a different State for



earning his livelihood.

During the course of investigation, it came to light that the brothers-in-law of aforesaid Shail Devi were angry with the deceased for the aforesaid relationship between him and Shail Devi.

True it is that some of the witnesses have spoken about petitioner No. 2 also having threatened the informant and the deceased of dire consequences in case such relationship between the deceased and Shail Devi continued but that by itself, would not constitute evidence strong enough to reject the prayer of anticipatory bail of the petitioner No. 2.

Considering the aforesaid aspect of the matter, the petitioner No. 2 was granted provisional bail by this Court *vide* order dated 23.07.2021 and the case diary was called for.

Perused the case diary.

The only material, therefore, is the threat given by petitioner No. 2 that anything unpleasant would happen in future.



For the paucity of any cogent evidence against petitioner No. 2/Devendra Rai in that regard, the provisional bail granted to him is, hereby, confirmed. He shall remain on the same bail-bonds.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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