

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9037 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- SARAI District- Vaishali

RANJEET RAI Son of Laldeo Rai Resident of Village- Anwarpur, P.S.- Sarai,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22975 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- SARAI District- Vaishali

Rina Kumari @ Reena Kumari Wife Of Manish Kumar R/O Village-
Anwarpur, Paura, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9037 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
Mr. Ritwik Thakur, Advocate

For the Opposite Party/s : Mr. Rajiv Kumar Singh, A.P.P.

For the Informant : Mr. Rajeev Ranjan, Advocate

(In CRIMINAL MISCELLANEOUS No. 22975 of 2022)

For the Petitioner/s : Mr. Ashish Kumar Ranjan

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
CAV ORDER

5 19-12-2022 Heard learned counsel for the petitioners and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.



The petitioners apprehend their arrest in a case registered for the offences punishable under Section 302, 120(B), 394 and 384 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, in brief, is that on 18.07.2021, the informant's husband was sitting at the door of his house then suddenly co-accused Dharmendra Singh and Arvind Singh came to him on foot and told that their motorcycle was not working properly and requested to the informant's husband to go with them for repairing the motorcycle which was standing on road Mani Bhakurahar. Believing them, informant's husband went with them on his Apache motorcycle to the place where the motorcycle of co-accused was standing but petitioners and other co-accused namely, Laldeo Rai and Laldeo Prasad Singh were also awaiting for him. As soon as the informant's husband reached there, the petitioner along with co-accused started abusing, assaulting and pressurizing him to put his signature on the blank paper. When the informant's husband protested and made hulla the nearby people rushed there and the informant and her family members also went there. They saw that co-accused Dharmendra Singh fired from pistol on the head of informant's husband and he died on the spot. Co-accused



Dharmendra Singh and Arvind Singh fled away taking Apache motorcycle of the informant's husband. The petitioners and co-accused after hatching a criminal conspiracy murdered the informant's husband. The cause of occurrence is that the petitioner Reena Kumari demanded ransom from the informant's husband which her husband did not want to give.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that the petitioners and other co-accused persons fired upon the husband of the informant namely Munna Kumar Rai. He further submits that it appears from the F.I.R. that there is direct allegation of firing against the co-accused namely, Dharmendra Singh and Arvind Singh. He further submits that informant is not a eye witness to any part of the occurrence and much after the occurrence on the next day the present F.I.R. has been instituted. He further submits that the specific allegation of firing the gun shot was attributed against the co-accused Dharmendra Singh and there is no specific allegation against the petitioners of causing either physical assault or firing gun shot on the person of the deceased and allegation against the petitioners are that they were present at the alleged place of



occurrence. He further submits that in fact the petitioner no.1 namely, Ranjeet Rai is brother-in-law of petitioner no.2 namely, Rina Kumari and the petitioner no.1 had met with an motor accident in the year 2017 in which he sustained fracture injury in spinal and since then he cannot move without taking help of another then how could he involve in the alleged occurrence as alleged in the F.I.R. He further submits that petitioner no.1 has been made accused in the present case merely on the basis that he is the brother-in-law of petitioner no.2 Rina Kumari. The medical prescription of the petitioner no.1 is annexed with Annexure-4 of the petition (in Cr. Misc. No. 9037 of 2022).

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners on the the basis of material available on the record and the case diary submitted that the petitioners hatching a criminal conspiracy pressurized the informant's husband to sign on the blank paper, when he protested, co-accused Dharmendra Singh shot him. They further submitted that the witnesses have supported the prosecution case as alleged in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or



surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sarai P.S. Case No. 195 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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