

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67467 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- KARAHGAR District- Rohtas

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DILIP RAI @ DIPU Son of Nirmal Rai Resident of Village- Ghuranpur
Pipari, P.S.- Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 66176 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- KARAHGAR District- Rohtas

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RAMAKANT RAI Son of Late Bachchu Rai Resident of village - Ghuranpur
Pipri, P.S.- Kargahar, District - Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 67467 of 2021)

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate
		Ms. Priyanka Singh, Advocate
		Mr. Anuj Kumar, Advocate
		Ms. Satyabhama Kumari, Advocate
		Ms. Kumari Anupam, Advocate
		Mr. Adarsh Singh, Advocate

For the State	:	Ms. Nirmala Kumari, APP
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(In CRIMINAL MISCELLANEOUS No. 66176 of 2021)

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

For the State	:	Ms. Nirmala Kumari, APP
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For the Informant	:	Mr. Ravindra Kumar, Advocate
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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 19-09-2022 Since both the cases arise out of Kargahar P.S. Case

No. 328 of 2020 as such, they have been heard together and are

being disposed of by this common order.

Heard learned counsel for the petitioners and learned



APP for the State as well as learned counsel appearing on behalf of the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Kargahar P.S. Case No. 328 of 2020 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant along with his brother, cousin and servant were sleeping in barn. The brother of the informant was shot at by unknown persons and was taken to the hospital and succumbed to his injury. During investigation, it came to the knowledge of police that informant and his cousin were themselves involved in the murder of the brother of the informant.

Learned senior counsel appearing on behalf of the petitioner Dilip Rai submits that petitioner has been falsely implicated in this case and he is cousin of the deceased. The petitioner is a witness in this case and his statement was recorded by the police and he stated that and he along with servant were sleeping in the barn and they saw no one fleeing



away from the spot. Moreover, there could be no reason for this petitioner to get himself involved in the alleged occurrence. Charge sheet has been submitted in this case and the petitioner is in custody since 04.09.2021.

It has been submitted on behalf of learned counsel for the petitioner Ramakant Rai that improbable story has been woven as the petitioner was himself informant and merely on the basis of suspicion, he has been made accused in this case. The informant took the deceased to the hospital where he died during course of treatment and fardbeyan was recorded there. The F.I.R. was registered against unknown. Even the wife of the deceased when her statement was first recorded, she did not raise any suspicion against this petitioner. Thereafter, suddenly after about six months of the occurrence, the wife of the deceased raised suspicion against this petitioner that the petitioner is involved in this occurrence out of greed and to capture the family property. Nothing incriminating has been recovered from the possession of the petitioner or at his instance. The petitioner is in custody since 13.07.2021. Even the inference regarding greed of property, the reason behind killing of the brother by this petitioner, is false as the same would go by succession to the sons of the deceased and not to this petitioner.



Learned counsel appearing on behalf of the wife of the deceased and learned APP for the State oppose the prayer for bail of the petitioners submitting that except for this petitioner Ramakant Rai, no one else could have killed the deceased. Even the witnesses examined during the investigation by the police have stated that witnesses who were sleeping in the barn, they did not see any one running away from the place of occurrence.

Perused the records.

Having regard to the facts and circumstances and considering the lack of substantive material against the petitioners to connect them with the alleged occurrence, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, at Rohtas in connection with Kargahar P.S. Case No. 328 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the



court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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