

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69167 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- KHAIRA District- Jamui

Daya Kishore Rabidas @ Daya Rabidas @ Dayaba, Son of Late Bhuneshwar Rabidas, Resident of Village - Chananwar (Karitand), P.S.- Khaira, Distt.- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party : Dr. Mrityunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2022 This application has been listed under the heading
‘For Orders’.

Registry has pointed out several defects in the
present application.

Mr. Satya Prakash Parasar, learned counsel for the
petitioner submitted that the defects are mainly because only e-
filing of applications are permitted by the Court. He submitted
that defects can be removed only if filing of hard copy is
permitted. He undertook that even if the applications are heard
and disposed of on merit in due course of time when the Court
would permit filing of hard copy, the defects pointed out by the
registry would be removed.

In view of the above submissions made by the
learned counsel for the petitioner, with consent of the parties,



the application has been taken up for hearing on merit.

The petitioner seeks pre-arrest bail in connection with Khaira P.S. Case No.242 of 2021 registered for the offences punishable under Sections 364, 302, 201 and 120-B read with 34 of the Indian Penal Code.

According to the prosecution case, the two brothers of the informant, namely, Chandan Barnwal and Ashu Barnwal went to meet the petitioner and others. They had a transaction of Rs.40-50 lakhs. The brothers of the informant did not return to their home. Later on, their dead bodies were found. The informant suspected the hand of the petitioners and others in the alleged offence.

Learned counsel for the petitioner submitted that the case has been instituted only out of suspicion and presumption by the informant. There is no cogent material to connect the petitioner with the alleged offence. He further contended that there is an inordinate delay of one month in institution of the first information report.

On the other hand, learned counsel for the State submitted that from perusal of the order passed by the learned Additional Sessions Judge, who rejected the application of the petitioner filed under Section 438 of the Code of Criminal



Procedure, it would be evident that the witnesses examined during investigation have supported the version of the informant. He further contended that the case is still under investigation and from the statement made in para 3 of the application, it would be evident that the petitioner is involved in at least eight other cases out of which, four have been instituted under Section 364-A of the Indian Penal Code and two others under Section 395 of the Indian Penal Code.

Considering the gravity of the offence and the fact that the petitioner has long criminal antecedent and the case is still under investigation, I am not inclined to grant him pre-arrest bail. The application is rejected.

(Ashwani Kumar Singh, J.)

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