

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12474 of 2023

Arising Out of PS. Case No.-38 Year-2020 Thana- GAIGHAT District- Muzaffarpur

1. LAXMAN RAI S/O LATE DEWAN RAI Resident of Village- Belsandi, P.S.- Chak, Mehshi, District- Samastipur,
2. DHARMENDRA RAI @ DHARMENDRA KUMAR S/O SIWAN RAI Resident of Village- Belsandi, P.S.- Chak, Mehshi, District- Samastipur,
3. BHOLA RAI S/O DHANESHWAR RAI Resident of Village- Baidyanathpur Piparpatiya Bandra, P.S.- Piar (Hatha O.P.), District- Muzaffarpur.
4. RAUSHAN RAI @ RAUSHAN KUMAR @ RAUSHAN YADAV S/O DEEPLAL RAI Resident of Village- Loharkha, P.S.- Piar (Hatha O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 328, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and they came to be implicated as they are related to Rahul and were instrumental in getting Rinku married with Rahul. It is next submitted that Rinku Devi, daughter of the informant was married to Rahul and she develops certain differences with her husband and as



such, she came back to her parental home. It is next submitted that the deceased who is own brother of Rinku wanted his sister to join Rahul but for some reasons Rinku Devi was not willing to go back to Rahul.

It is next submitted that the informant alleges that petitioner no. 1 along with Santosh came and called Sanjeev saying that some persons are waiting for him, thereafter, it is alleged that Sanjeev did not come back and the informant came to know that he is under treatment in a hospital as someone had poisoned him. It is next submitted that Sanjeev died during the course of treatment. It is further submitted that Laxman Rai is brother-in-law of Rahul, petitioner no. 4 (Raushan Rai) was the person instrumental in getting Rinku and Rahul married and petitioner no. 2 and 3 are related to Rahul.

It is next submitted that it absolutely does not stand to reason that why petitioner no. 1 would have called the deceased and thereafter poisoned him when the informant had seen that petitioner no. 1 and Santosh had taken Sanjeev along with him, it is next submitted that informant is not an eye witness to the occurrence and entire allegation hinges around suspicion and the petitioner will not abscond rather will cooperate in the investigation and will present themselves as and when required by



the investigating officer.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gaighat P.S. Case No. 38 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, if any application is filed on behalf of the investigating officer before the learned Trial Court that the petitioner despite giving undertaking to this Court are not cooperating in the investigation the learned Trial Court shall be at liberty to cancel the bail bonds.

(Satyavrat Verma, J)

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