

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61733 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- GANGABRIDGE District- Vaishali

Arun Kumar Rai @ Bhola Rai S/O Lal Babu Rai Resident of village-
Madarpur (Ward No- 09), P.S.- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Navendu Kumar, Advocate
For the Informant	:	Mrs. Rina Sinha, Advocate
		Mr. Dharendra Pd Singh, Advocate
For the Opposite Party/s :		Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-05-2023 Heard Mr. Navendu Kumar, learned Counsel

appearing on behalf of the petitioner; Mrs. Rina Sinha, learned
counsel appearing on behalf of the Informant and Mr. Vinod
Shanker Modi, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Ganga Bridge P.S. Case No. 98 of 2022 for offences
punishable under Sections 341, 342, 323, 307, 379, 504 and 34
of the Indian Penal Code.

3. The prosecution story, in brief, is that for alleged
offence which was committed on 20.04.2022, the father of the
deceased, who was undergoing treatment at the relevant point of
time, has registered Ganga Bridge P.S. Case No. 98 of 2022
dated 26.04.2022. The petitioner is named in the F.I.R. The son



of the informant was found unconscious in front of the house of one co-accused namely, Ram Naresh Ray. The genesis of the incidence is honour killing of the son of the informant as the deceased was in relationship with the daughter of the co-accused namely, Ram Naresh Ray.

4. Learned counsel appearing on behalf of the petitioner submits that from the perusal of the F.I.R., and from the materials which were collected in course of investigation, it would appear that the daughter of the co-accused Ram Naresh Ray was in relationship with the son of the informant and the injured body of the deceased was found in front of the house of the co-accused, Ram Naresh Ray. Learned counsel further submits that the petitioner is agnate of co-accused namely, Ram Naresh Ray rather the petitioner is neighbor of the informant and due to enmity he has lodged the present F.I.R. against the petitioner. Learned counsel further submits that the F.I.R. was registered after much delay and in course of the treatment the son of the deceased died on 30.04.2022.

5. Mrs. Rina Sinha, learned counsel appearing on behalf of the Informant, informs that petitioner is named in the F.I.R and the materials have also been collected against the petitioner, who has actively participated in commission of



murder of the son of the informant.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having heard the rival submission made on behalf of the parties as well as the materials which has come in course of investigation, in paragraph No. 141 of the case diary, it appears that the Investigating Officer has recorded that the deceased, who was son of the informant, was in relationship with daughter of one co-accused namely, Ram Naresh Ray. The learned counsel for the petitioner has submitted that petitioner is neighbor of the informant. However, from perusal of paragraph No.8 specific statement has been made that the petitioner is agnate of co-accused namely, Ram Naresh Ray. This Court finds that the petitioner is the common neighbor of the informant and the body of the deceased was found in front of the house of the co-accused namely Ram Naresh Ray and the victim died in course of treatment on 30.04.2022.

8. Considering the fact that there is no witness to the alleged incidence and in course of investigation only miniscule evidence was collected against the petitioner, I am of the opinion that petitioner above named has made out a, *prima*



facie, case to be released on anticipatory bail.

9. The Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Hajipur, Vaishali in connection with Ganga Bridge P.S. Case No. 98 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The present bail application, accordingly, stands disposed of.

11. Learned counsel for the petitioner is warned that in future he must not mislead the Court.

(Purnendu Singh, J)

nilmani/minu

U		T	
---	--	---	--

