

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16701 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- MUZAFFARPUR RAIL P.S. District-
Saran

-
1. Raj Kishore Rai @ Bhukhala, aged about 40 years, Male, S/o Upendra Rai, R/o Vill - Dubha, P.S. - Sakra, Dist. - Muzaffarpur.
 2. Sonu Kumar, aged about 20 years (Male), S/o Late Ramesh Rai, R/o Vill - Dubha, P.S. - Sakra, Dist. - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ranjan Kumar, Advocate
For the Informant	:	Mr. Kumar Rajeev, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 21-08-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Muzaffarpur Rail P.S. Case No. 172 of 2023 dated 30.05.2023 registered for the offences punishable under Sections 302 and 201/34 of the I.P.C.

3. As per the prosecution case, on 29.05.2023 at about 6.30 P.M., the villager of the informant, namely, Raj Kumar Rai called her husband Raushan Kumar Singh from his house to go to the market. When he did not return back till the evening, she searched nearby her village and informed to her relatives on



phone. On 30.05.2023 at 6.30 A.M., the villagers told her that in the night some persons have killed one person and threw the dead body on the railway track about 600 meter west from *Dubha Railway Station*. On this information, she went there and identified the dead body of her husband whose head was separate from the body. It is further alleged that the informant suspected that the co-accused Raj Kumar Rai, Raj Kishore Rai @ Bhukhala (petitioner no. 1), Sonu Kumar (petitioner no. 2) and other 3-4 unknown persons have killed her husband. The reason behind the occurrence is that a scuffle took place between the petitioner no. 1 and her husband two years ago in which the petitioner no. 1 sustained injury on his head for which a case was lodged and her husband was also sent to jail, and due to this reason, Raj Kumar Rai, Raj Kishore Rai @ Bhukhala (petitioner no. 1), Sonu Kumar (petitioner no. 2) and other 3-4 unknown persons in conspiracy to each other committed murder of her husband and kept the dead body on the railway track.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have been made accused in the present case on the basis of suspicion. It is submitted that the informant is not an eye witness to the alleged offence. The



petitioners were residing in *Delhi Dwarika* on the alleged date and time of occurrence for their livelihood, hence, there is no question of involvement of the petitioners in the present case. It is further submitted that during the course of investigation, nothing material has come against the petitioners except the version of the informant that there was previous dispute between her husband and the petitioner no. 1 and the petitioner no. 2 is not connected in this case. The deceased was a veteran criminal and he had two criminal antecedents and the Investigating Officer has submitted charge sheet against the petitioners due to pressure of the informant for blackmailing without any evidence. Both parties are the villagers. The petitioner no. 1 has two criminal antecedents in which he is on bail and the petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 17.08.2023 and 25.08.2023 respectively.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioners. Learned counsel for the informant has submitted that the petitioner no. 1 called the husband of the informant from his house and thereafter petitioners and other co-accused persons have committed murder of her husband and threw his



dead body on the railway track. It is further submitted by learned counsel for the informant that in paragraph no. 57 and 90 of the case diary, it has been mentioned that one Royal Enfield 350 bullet motorcycle bearing Registration No. BR-33AF 9238 was recovered from the front side of the house of the petitioner no. 1 which was being used by the petitioner no. 1 and his friend the co-accused Raj Kumar Rai and it was also used in the alleged crime.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur in connection with Muzaffarpur Rai P.S. Case No. 172 of 2023 with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

