

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30116 of 2024

Arising Out of PS. Case No.-586 Year-2023 Thana- NAUBATPUR District- Patna

1. Sunil Kumar @ Sunil Kumar Rai @ Sunil Rai S/O Late Ramdev Rai R/O Village- Gadaipur, P.S- Naubatpur, Distt.- Patna.
2. Bhavisya Rai @ Bhavishya Kumar @ Sadhu Rai S/O Late Mohan Rai R/O Village- Barshimha, P.S- Alipur, Distt.- Gaya. Presently at Village- Gadaipur, P.S- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Pandey No.5, Adv.
For the Opposite Party/s :	Mr. Shyameshwar Dayal, APP
	Mr. Sunit Kumar Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-07-2024 Heard learned counsel for the petitioners and learned
counsels for the State as well as for the Informant.

2. The petitioners apprehend their arrest in connection with Naubatpur P.S. Case No. 586 of 2023 registered under Sections 341, 342, 328, 307, 504, 506, 34 of the Indian Penal Code and later on Section 302 was added.

3. The prosecution case, as per the *fardbeyan* of the informant Anand Rai dated 14.08.2023, is that informant's son Chandan Rai was killed by these petitioners, for which Case No. 182 of 2014, S.T. No. 441 of 2023 is pending. To withdraw the said case, petitioners were putting pressure on the informant. On 12.08.2023 at about 8:00 P.M., when the informant was



returning home after completing his agricultural work, these petitioners along with 3-4 unknown persons dashed him on ground and put the poison mixed alcohol in his mouth, afterward, all the accused persons fled away.

4. Submission of learned counsel for the petitioners is that petitioners are innocent and have falsely been implicated in the present case. The instant F.I.R. has been lodged after an inordinate delay of five days. Further it is submitted that on 12.08.2023, the informant was admitted in P.M.C.H., Patna due to usual illness and on 14.08.2023, the informant was discharged from the hospital. Thereafter, after consuming liquor, he again fell ill on 17.08.2023 and was taken to Naubatpur Hospital, where he died during course of treatment. It is next submitted that the postmortem report does not support the allegations made in the F.I.R. The petitioner no. 1 is AIDS patient and petitioner no. 2 is his *bhagina* and lives with petitioner no. 1. There is long previous enmity between the informant and his brother with the petitioners due to which several cases have been lodged by the petitioners against the informant and others.

5. Learned A.P.P. appearing on behalf of the State and learned counsel for the informant opposed the prayer for bail by



contending that petitioners are named in the First Information Report with allegation of causing death by administering poisonous alcohol. Petitioners have got three criminal antecedents. Hence, petitioners do not deserve the privilege of anticipatory bail.

6. Having considered the nature of accusation and gravity of offence as well as the criminal history of these petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for bail of the petitioners is rejected.

(Prabhat Kumar Singh, J)

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