

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58421 of 2023

Arising Out of PS. Case No.-124 Year-2021 Thana- BAKHTIYARPUR District- Patna

SAJEEVAN RAY @ SAJEEVAN KUMAR S/O RAJU RAI R/O DEDAUR,
P.S- BAKHTIYARPUR, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmod Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 27-02-2024 1. This application, for grant of anticipatory bail, arises out of Bakhtiyarpur Police Station Case No. 124 of 2021, dated 24.06.2021, disclosing offences punishable under Sections 302/201 of the Indian Penal Code.
2. The prosecution case, as per the First Information Report, is that the brother of the informant, namely, Brijnandan (now, deceased) left his house in the evening of 23.06.2021, but did not return till night. In the morning, the informant came to know that a dead body is lying in a ditch, full of water near Radha brick-kiln. On this information, the informant, along with other villagers, reached near the place of dead body and identified the dead body as of his brother and injury mark of sharp-cutting weapon and bricks was also there on the dead body of the deceased and blood clots were also found at



the spot. The informant's brother was killed by sharp cutting weapon, bricks and hard blunt substance by unknown.

3. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the confessional statement made by co-accused Gujjal Rai. The petitioner has not committed any offence in the manner alleged. The petitioner is not named in the First Information Report.
4. I have heard learned Counsel for the parties concerned and have perused the materials available on record.
5. From perusal of the impugned order, it appears that the learned 4th Additional Sessions Judge, Barh, Patna, while rejecting the bail application of the petitioner has taken note of the fact that through knowledge from sources and corroboration with the statements of the eye-witnesses and version and manner of occurrence and recovery of important articles, the name of this petitioner, along with co-accused Durgi Rai, Gujjal Rai and Vikku Kumar, has surfaced in the murder of the informant's brother by means of bricks and sharp cutting weapons. From perusal of the confessional statement of co-accused Gajjal Rai, it



appears that he has disclosed the name of the petitioner also, who assaulted the deceased with bricks on his head.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of case and the findings arrived at by learned 4th Additional Sessions Judge, Barh, Patna, I am not inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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