

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64585 of 2024

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

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Raj Kumar Rai S/O Sri Shankar Rai Resident of village - Dubaha Buzurg,
Ward No. 05, P.S- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dharmendra Kumar Singh, Adv.
For the informant	:	Mr. Kumar Rajeev, Adv.
		Mr. Pankaj Kumar, Adv.
For the Opposite Party/s :		Mr.Shantanu Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 25-10-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular 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 (petitioner) 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 and informed her relatives on phone. On 30.05.2023 at 6.30 A.M., the villagers told her that in



the night some persons killed one person and threw the dead body on the railway track about 600 meters west from *Dubha Railway Station*. On this information, she went there and identified the dead body of her husband whose head was separated from the body. It is further alleged that the informant suspected that the co-accused, Raj Kishore Rai @ Bhukhala, Sonu Kumar, Raj Kumar Rai (petitioner) and other 3-4 unknown persons have killed her husband. The reason behind the occurrence is that a scuffle took place between the co-accused, Raj Kishore Rai and her husband two years ago in which the co-accused, Raj Kishore Rai 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 (petitioner), Raj Kishore Rai @ Bhukhala, Sonu Kumar and other 3-4 unknown persons committed murder of her husband and kept the dead body on the railway track under conspiracy.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has been made accused in this case merely on suspicion. It is further submitted that during the course of investigation, several witnesses had admitted the dispute between the deceased and the co-accused, Raj Kishore



Rai @ Bhukla for fishing trade. The petitioner has no concern with the dispute between the deceased and the co-accused, Raj Kishore Rai or he has no association in the fish trade with the co-accused, Raj Kishore Rai. Nothing has been recovered from the conscious possession of the petitioner. The I.O. has submitted supplementary charge-sheet against the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 02.12.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the witnesses in paras 9, 10 and 11 of the case diary have supported the occurrence. In para 191 of the case diary, the co-accused, Sonu Kumar has confessed that on 29.05.2023, the petitioner went to the house of the deceased and took him on the motorcycle to the pond of Raj Kishore Rai where all the accused persons ate meat and drunk wine and thereafter, they went to Dubha Station Chowk. There is some hot talk took place between the deceased and the petitioner and the co-accused person, Raj Kishore Rai then they assaulted the deceased who died due to assault. As per the post-mortem report of the deceased, death was due to haemorrhage and shock. It is further submitted that the deceased was last seen alive with the



petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the specific allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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