

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67528 of 2023

Arising Out of PS. Case No.-90 Year-2019 Thana- KESARIA District- East Champaran

Rakesh Kumar @ Rakesh Raut S/O Rambachan Raut Village- Rajpur Kunwar
Tola, Ps. Kesariya, Dist. East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Ranjan

For the Opposite Party : Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

7 06-09-2024 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kesariya P.S Case No. 90/2019 (G.R. Case No. 1228 of 2019) dated 25.02.2019 registered for the offence punishable u/s 341, 323, 307, 379 and 120B of the Indian Penal Code and later on Section 302 of the IPC.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have assaulted the informant and her husband and disappeared her husband with an intention to commit his murder.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been



implicated in this case. Learned counsel has submitted that the allegations against the petitioner are vague and omnibus in nature. There is no specific allegation against the petitioner of causing any assault or injury to deceased. Even during the course of investigation no material has come up that shows the complicity of the petitioner in the alleged occurrence in any manner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner and the co-accused person, Ram Bachchan Raut committed murder of the informant's husband and the two co-accused persons have already been convicted by learned 10th Additional Sessions Judge, East Champaran, Motihari in Sessions Trial No. 533 of 2019 arising out of Kesaria P.S. Case No 90 of 2019. As per the post-mortem report, the cause of death is due to hemorrhage and shock caused by hard and blunt substance.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner as well as the materials



available on record against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below will consider the prayer of the bail of the petitioner without being prejudice by this order.

(Chandra Prakash Singh, J)

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