

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6091 of 2025

Arising Out of PS. Case No.-711 Year-2021 Thana- GARKHA District- Saran

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1. Ravindra Rai, S/o- Late Jagdish Rai @ Deepa Rai,
 2. Sunil Rai, S/o- Late Jagdish Rai @ Deepa Rai,
Both are resident of Village-Rampur Khakhi Baba Ke Tola, P.S.-Garkha,
Dist-Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Garkha P.S. Case No.711 of 2021 registered under Sections 302 read with 34 of the Indian Penal Code.

3. Allegation against the petitioners is to hold the hand of deceased during occurrence while fatal assault was caused by other named co-accused persons.

4. It is submitted by learned counsel appearing for petitioners that the allegation of fatal assault is not available against petitioners and the allegation is marginal as to hold hand only during the occurrence. It is pointed out that the



informant has been examined in Sessions Trial No.329 of 2023, where other co-accused persons are facing trial, in which he categorically stated that he heard about the occurrence and denied the version of FIR that he was the eye-witness of the crime in question. It is submitted that the petitioners are men of clean antecedent.

5. Learned APP while opposing the prayer of anticipatory bail submitted that the informant is the eye witness of the occurrence and it is submitted that the overt act as to hold the hand of deceased during course of occurrence appears available against the petitioners from facial perusal of FIR itself

6. In view of aforesaid factual submission and by taking note of fact as overt act to hold the hand of deceased appears available against petitioners, where informant claims to be an eye-witness of the occurrence, accordingly, the prayer of anticipatory bail of above-named petitioners is rejected.

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(Chandra Shekhar Jha, J.)

