

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11697 of 2025

Arising Out of PS. Case No.-170 Year-2019 Thana- TARARI District- Bhojpur

Fani Bhushan Rai @ Shashi Bhushan Rai S/O Santosh Kumar Ray Resident
of Village- Baruhi, P.S.- Sahar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey
		Mr.Radhe Shyam Kumar
For the Opposite Party/s :		Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-04-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Tarari P.S. Case No. 170 of 2019 dated 08.09.2019 registered under Sections 342, 307, 365, 379 read with Section 34 of the I.P.C.

3. As per the prosecution case on 08.09.2019 the informant along with his younger brother namely Anil Rai was going to the village: Sakla on a scorpio vehicle and no sooner than he reached near Bandhawa More in the afternoon at about 2 P.M. his car was over taken by another scorpio vehicle from which eight persons got down, surrounded the vehicle of the informant and assaulted the informant's brother and pushed him in their vehicle on point of pistol and fled away.

4. Learned counsel for the petitioner submits that petitioner



has not committed any offence in the manner alleged and has falsely been implicated in this case due to oblique motive. He further submits that the petitioner is not named in the F.I.R. and his name has transpired on the basis of confessional statement of victim Anil Kumar Rai recorded by the police in Tarari P.S. Case No. 171 / 2019 lodged by the co-accused Vikash Kumar Pandey. He next submits that altogether nine persons have been made accused but in the confessional statement recorded by the police in another case lodged by the co-accused, the victim Anil Rai disclosed the name of all nine persons named in the F.I.R. including the petitioner's name who is the co-villager of the victim Anil Rai and is a panchayat teacher. Tarari P.S. Case No. 171 / 2019 was lodged by the co-accused Vikash Kumar Pandey alleging that Anil Kumar Rai had taken a sum of Rs. 7,50,000/- from him in order to ensure transfer of Sub Inspector Ranjit Rai in Rajiv Nagar Police Station but he could not fulfill his promise and misappropriated the entire amount given to victim Anil Rai by the informant Vikash Kumar Pandey. Thus submission is that story disclosed in the F.I.R. that occurrence has taken place due to settlement of sand ghat is completely fabricated and concocted which would be evident from the F.I.R. lodged by the co-accused Vikash



Kumar Pandey on the same date. Learned counsel relied upon the order passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 11212 / 2025 dated 26.03.2025 and submits that the F.I.R. named accused person Ranjit Rai has been granted anticipatory bail by this court.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that petitioner is the main conspirator and the master mind of the occurrence whose name has come during course of investigation on the basis of confessional statement of the co-accused. The petitioner is having criminal antecedent.

6. I have heard learned counsel for the parties and have perused the material on record. The petitioner is not named in the F.I.R. His name has transpired during course of investigation and as per the statement of learned counsel that the name of the petitioner has transpired in the confessional statement of the victim Anil Kumar Rai recorded in the first information report lodged by the co-accused Vikash Kumar Pandey in which he has disclosed the name of the petitioner as one of the accused. The petitioner is the co-villager of the victim Anil Kumar Rai. Similarly situated F.I.R. named co-accused Ranjit Rai has been granted anticipatory bail by this court in Cr. Misc. 11212 / 2025



accordingly I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Mrs. Sadaf Mustafa J.M. 1st Class 7th Bhojpur at Ara in connection with Tarari P.S. Case No. 170 of 2019 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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