

In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari

Anticipatory Bail Petition No.1147 of 2026

- 1. Hari Rai, S/o- Late Murai Rai, aged about 56 years**
- 2. Ashok Kumar Jha, S/o- Late Nandlal Jha, aged about 48 years**
- 3. Harindra Rai, S/o- Late Jaimangal Rai, aged about 58 years**
- 4. Mohan Rai, S/o- Late Ramsanehi Rai, aged about 67 years**
- 5. Ramjit Kumar @ Ramesh Kumar @ Ramjee Sah, S/o- Banarsi Sah @ Ananarsi Pd., aged about 40 years**

All resident of village- Sundarpatti, P.S.- Pakaridayal, District- East Champaran.

----- **Petitioners**

Versus

The State of Bihar

----- **Opposite party.**

Counsel for the Petitioners :- Sri Niraj Kumar, Advocate.

Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

04-04-2026

This anticipatory bail petition is filed on behalf of the above-named petitioners-accused, namely, (1) Hari Rai, (2) Ashok Kumar Jha, (3) Harindra Rai, (4) Mohan Rai and (5) Ramjit Kumar @ Ramesh Kumar @ Ramjee Sah, who are apprehending their arrest in connection with Trial No.1915 of 2024 arising out of Pakaridayal P.S. Case No.84 of 2011 u/s 302 and 201/34 of the I.P.C.

The prosecution case, in brief, is that there was some differences between the informant and her *gotani* Babuni Devi because when the informant's son was aged about 2 months, she fractured the hand of informant's son. On 08-08-2011 at about 08:00 A.M., informant was cooking food, meanwhile, her son aged about one and half years went in the lap of Babuni Devi, then she took informant's son outside the house. After some time, when the informant did not find his son, she started searching, then she found dead-body her son in a pond situated near her house. Thereafter, when the informant was bringing the dead-body of her son, petitioners and others snatched the dead-body and fled away.

In para-2 of the anticipatory bail petition, it is mentioned that petitioners have not moved for regular or anticipatory bail either in this Court or before any Higher Court. In para-3 of the anticipatory bail petition, it is mentioned that petitioner No.1, 2 and 3 have no criminal antecedent and petitioner No.4 has one criminal antecedent vide Pakaridayal P.S. Case No.43 of 2023 and petitioner No.5 has four criminal antecedents vide (1) Pakaridayal P.S. Case No.105 of 2022, (2) Pakaridayal P.S. Case No.135 of 2020, (3) Pakaridayal P.S. Case No.21 of 2024 and (4) Pakaridayal P.S. Case No.301 of 2025.

The learned counsel for the petitioners-accused has submitted that the petitioners-accused are innocent and they committed no offence and have falsely been implicated in this case due to village party politics. It is further submitted that there is no specific allegation against the petitioners. After conducting investigation, the police has found the petitioners innocent and submitted charge-sheet against them as not sent up for trial, but the learned Trial Court has taken cognizance against the petitioners. Co-accused has been granted bail by this Court vide B.P. No.256 of 2026 on 17-02-2026.

The learned Public Prosecutor appearing on behalf of the State has opposed the prayer for anticipatory bail of the petitioners-accused on the basis of materials available in the case diary.

Heard both sides and perused the certified copy of F.I.R. as well as case diary and documents available on record. As per F.I.R., co-accused Babuni Devi committed murder of informant's son and when the informant was bringing the dead-body of her son to house, petitioners and others snatched the dead-body and fled away. The informant in her re-statement vide para-3 has corroborated the version of F.I.R. and the witnesses vide para-5, 6 and 7 of the case diary have not stated about the involvement of petitioners in this case. It transpires that cognizance was taken against the petitioners in the year 2013 and they knowingly delayed the process of law. As per para-3 of the anticipatory bail petition itself, the petitioner No.4 and 5 have criminal antecedents.

Considering all these facts, as discussed above, I am not inclined to give privilege of pre-arrest bail to the petitioners-accused. Accordingly, the prayer for anticipatory bail of petitioners-accused, namely, **Hari Rai, Ashok Kumar Jha, Harindra Rai, Mohan Rai and Ramjit Kumar @ Ramesh Kumar @ Ramjee Sah** stands rejected.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
04-04-2026