

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40430 of 2014

Arising Out of PS.Case No. -36 Year- 2013 Thana -KHAIRA District- SARAN

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Kedar Rai @ Kedar Prasad Yadav S/o Singashan Rai Resident of Village-
Maksuspur, P.S.-Khaira, District-Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Pradip Nr.Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 03-03-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner is in custody since 11.7.2014 in
Khaira P.S. Case No.36/13 for the offence under Section 302/34 of
I.P.C. and 27 of the Arms Act.

It is submitted on behalf of the petitioner that
though there is allegation against the petitioner that he had
actively participated in the killing of Bharat Rai, the brother of the
informant, who has stated that Kanhaiya Rai fired. The diary in the
present case reveals that the petitioner had been present at the
place of occurrence. It is further submitted by the petitioner that
the main role has been attributed to the said Kanhaiya Rai and not
this petitioner. It is further submitted that the petitioner himself

surrendered before the court after rejection of his anticipatory bail and has been languishing in jail since then.

Learned counsel for the petitioner submits that the probability of false implication cannot be ruled out as there is a series of litigation pending between the parties.

Considering the aforesaid submissions and also the fact that the petitioner has been in custody since 11.7.2014 and that the said Kanhaiya Rai is the main assailant of the deceased, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri S.D.Bharti, J.M., Chapra, in Khaira P.S. Case No.36/13 corresponding to G.R.No.2299/13.

(Anjana Mishra, J)

AnilKrSinha/-

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