

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38428 of 2015

Arising out of PS.Case No. -2 Year- 2015 Thana -BELSAND District- SITAMARHI

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Mahesh Rai, Son of late Rajendra Rai, resident of Village- Pachnaur,
Police Station Belsand, District Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Verma, Advocate.

For the Opposite Party : Mr. S.Ehteshamuddin(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 17.06.2015
in connection with Belsand P.S. Case No. 02/2015 of 2015 for the
offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that due to partition of
land, the informant's Dewar, Vijay Rai, Mahesh Rai(petitioner),
Rangila Devi, Urmila Devi, all have assaulted her husband Ajay
Rai by means of Iron-rod and Lathi on 08.01.2015 in the *Angan* of
the house. When the informant rushed to rescue her husband, her
father-in-law Mahesh Rai (petitioner) threatened her. She went out
from the house and had gone to her *Mausi's* house and from that
night, her husband was traceless. She grew suspicion that all the
accused persons named above committed the murder of her

husband and concealed the dead body.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 17.06.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is none else but the father of the deceased and the informant is the daughter-in-law of the petitioner. From perusal of the FIR itself, it appears that in respect to the partition, the deceased was having a fight with his other brothers. There is no eye witness to the alleged occurrence. FIR has been instituted after ten days of the alleged occurrence for which no explanation has been made on behalf of the prosecution. The petitioner is aged 70 years of old man.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi, in connection with Belsand P.S. Case No. 02/2015.

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(Sudhir Singh, J)