

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47023 of 2015

Arising Out of PS.Case No. -311 Year- 2014 Thana -MANER District- PATNA

1. Surendra Rai S/o Suraj Rai R/Vill Daudpur P.s Sahpur District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.53769 of 2015

Arising Out of PS.Case No. -311 Year- 2014 Thana -MANER District- PATNA

1. Dipti Rai @ Dipti Ray Son of Late Bhajan Rai, Resident of Village - Sherpur, P.S. - Maner, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.24137 of 2015

Arising Out of PS.Case No. -311 Year- 2014 Thana -MANER District- PATNA

1. Suraj Rai Son of Late Manu Rai Resident of village - Daudpur, Police Station - Shahpur in the district of Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.47023 of 2015)

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Nagendra Prasad (App)

(In Cr.Misc. No.53769 of 2015)

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. Narsingh Tanti(App)

(In Cr.Misc. No.24137 of 2015)

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN

SHARMA
ORAL ORDER

5 18-01-2016

All the three Criminal Miscellaneous arise out of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners, the learned A.P.P. as also the learned counsel for the informant.

The petitioners seek bail in a case for the offences punishable under sections 364, 302, 201 and 120 (B) of the I.P.C

Allegedly, the dead body which was cut into pieces was recovered and from the *Taitu* the informant identified the dead body as of Binay Rai, his brother and lodged the fardbeyan naming the petitioners and other co-accused. During investigation Gubari Rai confessed his guilt and on the basis of his confessional statement *Dab* which was used in the crime and other articles were recovered and further the parts of dead body of the deceased were also recovered and that Gubari Rai also named the petitioners and others except petitioner Dipti Rai @ Dipti Ray.

Submission is of false implication and that the informant earlier lodged *Sanha* as Binay Rai, his brother, was missing and in that *Sanha* the petitioners are not named but after recovery of the dead body the informant named the petitioners also, there is no eye witness of the occurrence and some of the

witnesses have come to say that they have seen co-accused and the petitioners carrying bag and petitioner Dipti Rai @ Dipti Ray following them, besides suspicion there is nothing against the petitioners, the confessional statement of co-accused cannot be the basis for implicating the petitioners and as such they deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the crime was committed inside the house and as such there was no eye witness of the occurrence but the witnesses have seen taking away the bag containing the dead body and the confessional statement leading to recovery cannot be lightly brushed aside.

In the facts and circumstances as stated above, considering that against the petitioners there is no direct evidence, they have not confessed their guilt and as such the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge- VIIth, Danapur, District- Patna in Sessions Trial No. 541 of 2015 arising out of Maner P.S. Case No. 311 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial

jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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