

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4787 of 2016

Arising Out of PS.Case No. -342 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Nagendra Rai son of Jai Kisun Rai, resident of Village Maida, P.S. Bidupur, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the informant got up on hearing the sound of gun firing and found her husband in an injured condition. The informant saw in the torch light that Ram Babu Rai, Nokhi Rai, Dinesh Rai, Ramesh Rai, Manju Rai, Mohan Thakur, Nand Kishore Rai, Shyam Kishre Rai, Sanjay Rai, Ranjit Rai and the petitioner were fleeing away from the place of occurrence.

It is submitted by the learned counsel for the petitioner that only on suspicion the accusation has been



levelled. A Coordinate Bench of this Court while considering the bail application of similarly situated co-accused Nokhi Rai vide Cr. Misc. No. 48705 of 2015 had occasion to go through the case diary where it was found except the suspicion no further material has been collected. Statement of witnesses recorded in paragraph nos. 36 and 39 of the case diary suggest that the grand son of the brother of the victim was suspected to have killed the victim as there was enmity between the deceased of the said grand son Munna Kumar.

Considering the suspicious nature of accusation, statement made in para-3 of the petition that petitioner has no criminal antecedent and similarly situated co-accused has been granted bail by a Coordinate Bench of this Court, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 342 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The bail bond of the petitioner shall be accepted by the learned court below on filing affidavit to the effect that he will cooperate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-

cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner.



(Dinesh Kumar Singh, J)