

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8871 of 2016

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

=====

1. Mahesh Rai
2. Vidya Rai
3. Dinesh Rai
All sons of Dipti Rai @ Dipti Ray resident of village - Sherpur, P.S.
Maner, District - Patna.... Petitioners

Versus

1. The State of Bihar Opposite Party

=====

Appearance :
For the Petitioner/s : Mr. Shambhu Sharan Singh
For the Opposite Party/s : Mr. Rajesh Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 22-04-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Maner
P.S. Case No. 311 of 2014 registered for the offences punishable
under Sections 364, 302, 201, 120B/34 of the Indian Penal Code.

Allegedly, a dead body, which was cut into pieces,
was recovered and from the tattoo 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
Gubri Rai confessed his guilt and on the basis of his confession
Daab which was used in the crime and other articles were
recovered and further the parts of the dead body of the deceased
were also recovered and that Gubri Rai named other co-accused.



Witness Shatrughan Kumar in para 38 of the case diary has stated that in the night of occurrence Gubri Rai and Ganesh Rai were going away with a bag and in para 39 of the case diary witness Kameshwar Rai has stated that Gubri Rai and Ram Dayal were seen taking away the bag and behind them Deputy Rai, Ganesh Rai, Mahesh Rai, Vidya and others were going.

Submission is of false implication and that the informant earlier lodged Sanha that his brother Binay Rai is missing and in the 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 the petitioners following co-accused Gubri Rai, besides suspicion there is nothing against them, confessional statement of Gubri and Vijendra Kumar cannot be the basis of implicating the petitioners and further co-accused Suraj Rai, Surendra Rai and Dipti Rai have already been allowed bail and as such the petitioners deserve sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes 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 petitioners were also

behind Gubri Rai and further the prayer of bail of co-accused Ganesh Rai has already been rejected.

In the facts and circumstances stated above, considering that against the petitioners there is no direct evidence, co-accused Gubri Rai and Ganesh Rai were seen going away with a bag which is evident from para 38 of the case diary, as such, case of these petitioners is on different footing, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VII, Danapur in S. Tr. No. 541 of 2015 / S. Tr. No. 892 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)

avin/-

U		T	
---	--	---	--