

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35009 of 2017

Arising Out of PS.Case No. -219 Year- 2017 Thana -MARHAURA District- SARAN

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1. Vijay Rai Son of Chandrika Rai, R/o Village- Madhopur, P.S.- Morhowrah, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-10-2017 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is languishing in judicial custody since 31.05.2017 in connection with Morhowrah P.S. Case No. 219 of 2017 for offences punishable under Section 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his son Pawan Kumar, (deceased) had gone in the Tilak ceremony and also gone to see the orchestra but did not return. In the morning, on information, his dead body was found in the bamboo clump of one Chandrika Rai. It is alleged that the co-accused Bijli Rai and Surendra Rai who had property dispute with



the informant were also indulged in killing his son.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated in the aforesaid case. He submits that one of the co-accused Surendra Rai who was having land dispute with the informant has been granted the privilege of bail by this Court and that the petitioner has been implicated only on the basis of suspicion. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses and that he has a clean antecedent.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer of bail stating therein that the independent witnesses, who had also gone to watch orchestra, have stated that the petitioner was last seen with the deceased and also near the bamboo clump which is evident from para 22, 24 and 32 of the case-diary.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Morhowrah P.S. Case No. 219 of 2017 pending before learned Judicial Magistrate,



Chapra, Saran.

(Nilu Agrawal, J)

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