

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1187 of 2017

Arising Out of PS.Case No. -64 Year- 2016 Thana -JANTA BAZAR District- SARAN

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Shailendra Rai, Son of Sulakshan Rai, resident of Village- Khurd Lauwan,
Police Station - Janta Bazar, District- Saran (Chapra).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-02-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the
offence under Sections 364/34 of the Indian Penal Code.

It is alleged in the written report that on the date of
occurrence, the petitioner called the son of the informant through
Mobile phone. He went after informing his family members
saying that he is going to Angan Bari Kendra where the petitioner
had called him. Thereafter, he did not return. The informant made
search. It is further alleged that there was old enmity with Punit
Rai, Madan Mohan Rai and Pappu Rai. It is suspected that on
account of such old enmity, his son was done to death by this
petitioner along with other accused persons.

The learned counsel for the petitioner has submitted



that Punit Rai and Madan Mohan Rai have been granted bail by a coordinate Bench of this Court vide order dated 24.11.2016 passed in Cr. Misc. 41689 of 2016 and the case of the petitioner stands on similar footing except that there is allegation against the petitioner that he called the son of the informant on Mobile. Further submission is that the trial of the case has started.

Case diary has been received. The learned A.P.P. has submitted that the witnesses in paragraphs-32 and 56 of the case diary have stated that the deceased was called through mobile, belonging to brother of the petitioner.

In this manner, from the material in the case diary as well as the written report, it appears that besides the allegation against the petitioner of calling the son of the informant on mobile phone, there is no other allegation of specific overt act against him. Mere suspicion has been raised against the petitioner. The petitioner is said to be in custody since 27.6.2016.

Considering the aforesaid facts and circumstances of the case, 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 learned Additional Chief Judicial Magistrate, 1st, Chapra, Distt. Saran, in connection with Janta Bazar P.S. Case No. 64 of 2016, subject to



the condition that both the bailors will be the close relatives of the petitioner.

The petitioner is directed to remain physically present on each and every date of trial and not tamper with the evidence nor try to delay the trial and in the event of absence of the petitioner on two consecutive dates, his bail bonds would be liable to be cancelled.

The trial court is directed to expedite the trial.

S.Ali/-

(Sanjay Priya, J)

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