

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33454 of 2017**

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

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Surendra Rai Son of Late Kishun Chand Rai, R/o Village- Madhopur  
Chhathu Rai ke Tola, P.S.- Marhourah, District- Saran at Chapra.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jeetendra Narayan

For the Opposite Party/s : Mr. Md. Sufiyan

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      31-08-2017                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned APP for the State.

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

The prosecution case, as lodged by the informant, is  
that his elder son Pawan Kumar had gone to Barat ceremony and  
stayed to view orchestra but did not return and his dead body with  
slit neck were found in the field of one Chandrika Rai. It is alleged  
that the petitioner and other co-accused Bijali Rai has committed  
the offence as there was land dispute between them and they gave  
threatening to the informant.



It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been seen to have been committed by the informant and it is only on the ground of suspicion because of land dispute that the petitioner has been made accused. He submits that the petitioner bears no criminal history and charge-sheet has already been submitted hence there is no chance of tampering of the prosecution witnesses.

However, learned counsel for the informant has submitted that the petitioner and the informant side had a property dispute and that the informant side is always receiving threatening from the petitioner's side of dire consequences. Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of six months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Saran at Chapra in connection with Marhourah P.S. Case No.219 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his



relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner induces and tamper with the witnesses and if it is brought to light, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Devendra/-

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