

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39136 of 2017

Arising Out of PS.Case No. -346 Year- 2013 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Deep Narayan Rai Son of Late Rajendra Rai, R/o Village- Khajuatta,
P.S.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor
Md. Azimuddin, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
12.08.2016 in connection with Vaishali P.S. Case No. 346 of 2013
for offences punishable under Sections 302/201/34 of the Indian
Penal Code.

The petitioner had moved this Court earlier in Cr.
Misc. No. 45176 of 2016 along with other co-accused Shiv
Shankar Rai, which was rejected on 05.12.2016.

The prosecution case, as lodged by the informant, is
that his elder brother Sankar Rai was taken away by the petitioner
along with three others and thereafter he did not return. The next



day dead body of his brother Shankar Rai was found by the side of the road and the motorcycle was also found at a distance of 100 ft. from the dead body, which the informant identified to be his brother.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the other co-accused Shiv Shankar Rai has been granted privilege of bail in Cr. Misc. No. 17558/2017 on 26.07.2017 on the plea that one of the witnesses has stated that the deceased was last seen with the informant himself and just because both parties are on inimical terms the petitioner has been falsely implicated. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the dead body of the deceased was found in mysterious circumstances.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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



Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 346 of 2013, subject to the condition that one of the bailors would be a close relative of 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.

(Nilu Agrawal, J)

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