

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50331 of 2017

Arising Out of PS.Case No. -160 Year- 2015 Thana -MARHAURA District- SARAN

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1. Munna Rai @ Ram Nath Rai, S/o Late Kashi Rao, R/o Village-
Nasriganj, P.S.- Danapur, Dist.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Smt. Sharda Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-12-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
07.08.2017 in connection with Marhowrah P.S. Case No. 160/15
for offences punishable under Sections 302/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, who
was khalasi of one truck, is that three trucks loaded with articles
reached its destination and the two drivers, who were sleeping,
were found dead by the informant. It is alleged that there was
some dispute between the owner of Jhula with the two deceased
regarding payment of Rs. 8,000/- for which the two drivers had



been killed.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that petitioner's name surfaced on the confessional statement of one Subodh Kumar before the police, which has no evidentiary value in the eye of law, there is no eye-witness to the alleged occurrence and the two deceased died of accidental death as on the chest there was mark of tyre. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel appearing for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that because of certain quarrel for payment of Rs. 8,000/- the two truck drivers have been killed by the petitioner.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of nine 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 Chief Judicial



Magistrate, Saran, in connection with Marhowrah P.S. Case No. 160/15, subject to the conditions that:

- (1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) 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)

Rajesh/-

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