

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17558 of 2017

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

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1. Shiv Shankar Rai Son of Kamal Rai, Resident of Village- Khajuatta,
P.S.- Vaishali, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Roy, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 26-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner had earlier moved for regular bail which
was rejected vide order dated 05.12.2016 in Cr. Misc. No.45176 of
2016.

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

The prosecution case as lodged by the informant is that
his elder brother, namely, Shiv Shankar Rai was taken away by the
the petitioner and two others for settling the land dispute.
Thereafter, his brother did not return. On search also his brother



could not be found. The next day a dead body was found lying by the side of the road and a motorcycle was also found at a distance of 100 ft. from the dead body which was identified as the deceased brother.

It has been submitted by the learned counsel for the petitioner that he is innocent bears no criminal history and because of land dispute, the petitioner has been falsely implicated. He submits that there is no eye witness to the alleged occurrence and even as stated by one of the witnesses, he was last seen with the informant himself, since both parties were on inimical terms and the petitioner has been falsely implicated. It is further submitted that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

However learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner was seen with the deceased as he had taken him for settlement of dispute, thereafter, his dead body was found in mysterious circumstances, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees 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 conditions that one of the bailors would be a close relative of the petitioner and the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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