

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44005 of 2017

Arising Out of PS.Case No. -169 Year- 2017 Thana -BAHADURPUR District- DARBHANGA

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Raghav Rai, S/o Late Shiv Narayan Rai, Resident of Village- Saho Parri,
P.S. Biraul, District Dharbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Bahadurpur
P.S. Case No. 169 of 2017 for offences punishable under Sections
302, 120(B) and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner along with four others took his son Murari Jha
(deceased) for attending the feast. Thereafter he got information
from the sister of co-accused Vikash Jha that his son has been
beaten and thereafter co-accused Vikash Jha informed that his son
died.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. The petitioner along with four others had taken the son of the informant Murari Jha to the house of Dr. Sanjay Mishra for attending the feast where some fight occurred between Dr. Sanjay Kumar and his friends with Murari Jha. He submits that he had accompanied the deceased to the P.M.C.H. and also to his house in good faith but he has been made accused only on the basis of suspicion. He submits that charge-sheet has been submitted and the petitioner is languishing in judicial custody since 10.05.2017. It has further been submitted that one of the co-accused Vikash Jha has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 45907 of 2017 on 11.10.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner along with four other took the son of the informant for attending the feast and thereafter he was severely beaten by knife and iron road who succumbed to the injuries.

Having heard both sides and in view of the facts and circumstances, this application is disposed of with a direction to learned court below that if the submissions of learned counsel are



found to be correct, the petitioner shall 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 SDJM, Darbhanga in connection with Bahadurpur P.S. Case No. 169 of 2017, subject to the conditions that (1) one of the bailors shall be a local person having sufficient immovable property within the jurisdiction of the court and (2) Petitioner shall co-operate in trial and appear on each and every date in court and on failure to appear in court in two consecutive dates without genuine reason or without permission of court, his bail bond shall be liable to be cancelled.

(Nilu Agrawal, J)

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