

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37957 of 2018

Arising Out of PS.Case No. -563 Year- 2017 Thana -SONEPUR District- SARAN

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1. Dhappu Rai @ Raj Kumar Rai @ Raj Kumar S/o Late Mahendra Rai, R/o Vill.- Kurji, Gate no. 65, P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandeep Kumar Shahi, Adv.

For Opp. Party : Mr. Jitendra Singh, Sr.Adv.

For the State : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 18-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of Arms Act.

The FIR would reveal that there is no witness of occurrence of murder. However, strong suspicion has been raised against the petitioner and others including co-accused-Pappu Rai @ Pappu Roy, who has already been granted bail by this Court in Cr.Misc.No.26635 of 2018, that the petitioner and others have committed murder of the brother of the informant for the reason of old dispute as well as threat given by the petitioner and other members.



Learned counsel for the informant opposed the prayer for bail on the ground that the petitioner is convict in two other cases of murder and when he was released on bail, the present offence has been committed.

The impugned order would reveal that mother of the deceased did not disclose in the earliest statement before the police that a quarrel had taken place between the petitioner and the deceased soon before the departure of the deceased from the house rather at belated stage of the investigation, she again gave her statement supplementing the aforesaid fact.

The impugned order reveals that only for the reason that investigation was going on and the petitioner was carrying criminal antecedent, prayer for bail has been refused. The criminal antecedent of the accused is a ground to not consider prayer for bail, if the allegation is substantiated in the case in hand or substantial allegation has been corroborated by the ocular evidence. The record of this case reveals that only material against the petitioner is suspicion.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is



pending in connection with Sonapur Police Station Case No.563 of 2017, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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