

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42577 of 2018

Arising Out of PS. Case No.-109 Year-2017 Thana- BIKRAMGANJ District- Rohtas

Neeraj Rai @ Neeraj Kumar Rai @ Sonu, Son of- Late Bishketu Mauar @
Ranjeet Singh, resident of Village- Khaira Bhudhar, P.S.- Bikramganj,
District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. S.N.P. Sinha, Sr. Advocate
Mr. Jitendra Narain Sinha, Advocate
Ms. Anamika Sinha, Advocate
Ms. Rashmi Bharti, Advocate.
For the Opposite Party : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 26-10-2018 The petitioner had earlier prayed for bail vide Cr. Misc. No. 49113 of 2017 in connection with Bikramganj P.S. Case No. 109 of 2017 dated 18.04.2017 instituted for the offences under Sections 302/120B of the Indian Penal Code and Section 27 of the Arms Act which was rejected vide order dated 07.12.2017.

The nephew of the informant is alleged to have been killed in the house of one Puja Kumari and the petitioner happens to be the brother of aforesaid Puja Kumari. It appears that at the instance of the maternal uncle of aforesaid Puja Kumari, her marriage was fixed to be solemnized with the deceased. However, the bride



was not agreeable for marrying the deceased and hence out of a conspiracy, the deceased was done to death in the house of aforesaid Puja Kumari.

There is no eye witness to the occurrence. The death had taken place in the house of Puja Kumari.

Mr. S.N.P. Sinha, learned senior counsel has submitted that if at all there would have been any intention on the part of Puja Kumari or her family members to eliminate the deceased for avoiding the solemnization of marriage, they would have chosen another place to kill him and not in their own house so as to be implicated in this case.

Apart from suspicion, there is no other tangible material which could be collected against the petitioner. Learned counsel for the petitioner therefore submits that the case hinges on bald suspicion and suspicion is a sea without a shore leaving any person taking a voyage in such a sea being relegated totally without a radar and a compass.

Regard being had to the fact that there is no definite material against the petitioner as well as the period of his custody which is from 19.04.2017, he is directed to be released on bail on his furnishing bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th



Additional District and Sessions Judge, Sasaram at Rohtas in connection with Sessions Trial No. 301 of 2017, arising out of Bikramganj P.S. Case No. 109 of 2017.

The petitioner shall participate in the trial and his absence from the trial proceedings for three consecutive occasions without reasonable explanation would entitle the informant/Public Prosecutor to move for cancellation of his bail.

(Ashutosh Kumar, J)

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