

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66493 of 2018

Arising Out of PS. Case No.-203 Year-2018 Thana- BHAGWAN BAZAR District- Saran

Balchand Rai, S/o Late Mangaru Rai, R/o Village- Katra Newalotola, PS-
Rivilganj, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Kant, Advocate

For the Opposite Party/s : Mr. Sri Satyendra Prasad (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 19-12-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Bhagwan Bazar P.S. Case No. 203 of 2018 registered for the offences punishable under Sections 364/34 and 302 of the Indian Penal Code.

Informant is brother of deceased who in his written complaint has stated that Dinesh Rai had come to his house to call his brother Sibbu Kumar and he accompanied him but thereafter did not return and even after much search he could not be traced and thereafter he instituted present case on 20.05.2018.

It has been submitted on behalf of the petitioner



that he is innocent and has committed no offence. He has been falsely implicated in this case. During investigation the dead body of his brother was recovered on the basis of confessional statement made by co-accused Dinesh Rai and in his confession he has named four co-accused who have committed murder of brother of informant. However, the name of petitioner does not figured in his confessional statement but subsequently in his confessional statement it has been stated that the dead body of deceased was shifted to different place in which some role has been assigned to the petitioner. Petitioner has no criminal antecedent and is in custody since 09.07.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran in connection with Bhagwan Bazar P.S. Case No. 203 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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