

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13469 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -MOTIPUR District- MUZAFFARPUR

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Rajeshwar Singh, son of Late Harihar Singh, Resident of Village- Maharani
(Madhuwani), P.S.- Pipra, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer
for bail of the petitioner was rejected vide order dated 06.10.2017
passed in Cr. Misc. No. 34238 of 2017.

Petitioner is languishing in judicial custody since
13.02.2017 in connection with Sessions Trial No. 643 of 2017
arising out of Motipur P.S. Case No. 37 of 2017 for offences
punishable under Sections 302, 201, 120B of the Indian Penal
Code.

The prosecution case, as lodged by the Chowkidar, is
that a dead body of eight year old girl was found in a sack under
Ratanpur bridge. Later on body was identified and it was found



that the cousin nephew of the petitioner namely Rajiv Kumar Singh had killed his wife and two children and disposed them in separate places and the petitioner is alleged to have been involved along with his cousin nephew in the alleged murder.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is no eye witness to the alleged occurrence and he has been made accused only on suspicion. He submits that the father-in-law and mother-in-law of the deceased lady Shila Devi have already been granted the privilege of bail by this Court in Cr. Misc. No. 40677 of 2017 on 07.11.2017 on completion of one year in custody and the petitioner has already completed one year in custody and there is no direct involvement as alleged against the petitioner except the confession of his cousin nephew and his own confessional statement before the police which has no evidentiary value in the eye of law. He undertakes to cooperate in the trial and appear before the trial court on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 6th Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 643 of 2017 arising out of Motipur P.S. Case No. 37 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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