

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60745 of 2018

Arising Out of PS.Case No. -61 Year- 2018 Thana -BANIAPUR District- SARAN

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1. Rajvir Singh @ Ajay Singh S/o Paras Nath Prasad, R/o Vill.- Lahladpur,
P.S.- Janta, Bazar, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-10-2018 The petitioner is in custody since 18.03.2018 in connection with Baniyapur P.S. Case No. 61 of 2018, registered for offences punishable under Sections 302 of the Indian Penal Code.

Allegation as per F.I.R. is that on the date of offence there was marriage of the sister of the informant and all family members of the informant were available in marriage ceremony and when the daughter of the informant was not seen there, then all the family members started searching and thereafter body of the deceased Arti Kumari was found in a well situated at one and half kilometers away from the village and there was cut injury on the neck of the deceased.

Submission of learned counsel for the petitioner is that



the petitioner is not named in the F.I.R. and later on his name transpired during the course of investigation and except suspicion there is absolutely nothing against the petitioner and there is no eye-witness of the case. Further he has been custody since 18.03.2018.

Heard learned A.P.P. also, who opposed the prayer for bail of the petitioner stating that in para nos. 46, 57 and 58 of the case diary the witnesses have stated that the petitioner used to make call to the sister of the informant (Chinta Devi) and asked her to flee away along with him and on the day of marriage also, he called her on the plea of giving some gifts, but the said Chinta Devi sent the daughter of the informant, namely, Arti Kumari to meet him and the petitioner out of anger killed her. However, learned counsel for the State fairly admitted that there is no eye witness of the occurrence.

Having heard both sides and considering the aforementioned facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - XI, Saran/ or the concerned court, where, the case is pending in connection with Baniyapur P.S. Case No. 61 of



2018, with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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