

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18410 of 2018

Arising Out of PS. Case No.-219 Year-2017 Thana- MARHAURA District- Saran

Vijay Rai, S/o Chandrika Rai, a Resident of Village- Madhopur, P.S.-
Marhowrah, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-05-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner had earlier moved this Court for bail which was rejected vide order dated 06.10.2017 passed in Cr. Misc. No. 35009 of 2017. Petitioner is languishing in judicial custody since 31.05.2017 in connection with Sessions Trial No. 109 of 2018 arising out of Marhowrah P.S. Case No. 219 of 2017 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his son Pawan Kumar (deceased) had gone to watch orchestra and attend Tilak ceremony but did not return. On the next day his dead body was found in the bamboo clump of one Chandrika Rai. It is alleged that the deceased had some land



dispute with co-accused Bijli Rai and Surendra Rai.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated only on suspicion. He submits that there is no eye witness to the alleged occurrence and co-accused Surendra Rai, who has been named in the First Information Report, has been granted the privilege of bail by this Court in Cr. Misc. No. 33454 of 2017 vide order dated 31.08.2017 and that the petitioner is not even named in the First Information Report. He further submits that just because he was in a public place along with son of the informant, he has been made accused in the present case. He undertakes to cooperate in the trial and not to tamper with the prosecution witnesses.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that some of the witnesses have seen the petitioner along with the deceased near the bamboo clump.

Be that as it may, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.D.J.- XI, Chapra, Saran in connection with Sessions Trial No. 109 of 2018 arising out of



Marhowrah P.S. Case No. 219 of 2017, subject to the conditions
that:

(1) Both the bailors would be close
relative of the petitioner having sufficient
immovable properties, who will file an
affidavit stating their relationship with the
petitioner.

(2) The petitioner will appear before
the learned Court below on each and every
date 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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