

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75395 of 2018

Arising Out of PS. Case No.-80 Year-2017 Thana- BAIKUNTHPUR District- Gopalganj

Magishtar Rai @ Majister Rai, S/o Late Banarasi Rai @ Chanarsi Rai, R/o
Vill.-Faijulahpur, P.S.-Baikuntpur, Dist.-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar, Advocate.

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-12-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Baikunthpur P.S. Case No. 80 of 2017 instituted for the offence under Sections 364, 302, 201 and 102(B)/34 of the Indian Penal Code.

In the complaint petition, the complainant has alleged that his mother had gone for call of nature but she did not return. The informant raised suspicion against petitioner in the complaint petition.

Counsel for the petitioner submits that in the complaint petition itself it is mentioned that daughter of petitioner and brother of informant have performed love marriage for which there was inimical term between both the parties. The wife of petitioner has filed Baikunthpur P.S. Case No. 53 of 2014 in which the police found the case false and submitted final form.

It is alleged in the complaint petition that family



members of the informant have left the village on account of aforesaid occurrence. It is also mentioned in the complaint petition that while the informant and his family members were returning to village, the family members of petitioner assaulted them brutally for which, Baikunthpur P.S. Case No. 176 of 2015 has been lodged and pending in the court below.

In this manner, cases are pending between the parties. Mere suspicion has been raised against the petitioner in the complaint petition.

Petitioner is in custody since 15.9.2018 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Mr. Neeraj Kumar Padney, learned Judicial Magistrate, 1st Class, Gopalganj, in connection with Baikunthpur P.S. Case No. 80 of 2017, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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