

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64043 of 2018

Arising Out of PS. Case No.-505 Year-2016 Thana- MADHAURAH District- Saran

Raju Patel @ Raju Singh, Son of Lalan Patel @ Lalan Choudhary, Resident of Village- Kachurampur Titahi (Rampur Titahi), P.S.- Dubhar, District- Baliya, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh
For the Opposite Party/s : Mr. Sri Matloob Rab

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-11-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Marhaurah P.S. Case No. 505 of 2016** registered for the offence punishable under Sections 364, 302, 201, 120B/34 of the Indian Penal Code.

Informant in his written complaint has stated that on 04.11.2016 at about 7:45 pm he alongwith his deceased brother Sitarm Singh were returning to his house from Mirjapur and when they reached near brick kiln of Tunna Thakur all of a sudden all the accused persons including petitioner surrounded them armed with weapons and started pulling the deceased with them and when the Informant made protest then accused Tunna Thakur threatened to kill and due to fear the Informant fled away leaving his motorcycle and narrated about the incident to



his family members. He has further alleged that on next day in the morning of 05.11.2016 the Informant and others went near the brick kiln and they found sandle and belt and later on found the dead body of his brother in the canal in village Baropur, P.S. Baniyapur. The motive behind the occurrence is alleged to be rivalry of election of Mukhiya and accused Tunna Thakur threatened to the deceased not to contest the election of Mukhiya.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted on behalf of the petitioner that petitioner is not named in the FIR but during investigation the name of the petitioner has transpired. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 27.02.2017 in Criminal Miscellaneous No. 2097 of 2017, 05.07.2017 in Criminal Miscellaneous No. 21389 of 2017, 20.07.2017 in Criminal Miscellaneous No. 34056 of 2017 and 20.07.2017 in Criminal Miscellaneous No. 33934 of 2017. Petitioner is in custody since 24.05.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like



amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-II, Saran at Chapra,** in connection with **Marhaurah (Gaura O.P.) P.S. Case No. 505 of 2016,** with following 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 represented on each and every date fixed by the court.

(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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