

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7787 of 2019

Arising Out of PS. Case No.-225 Year-2018 Thana- TARAIYA District- Saran

SHYAMLAL RAI aged about 75 years (male) son of Yugal Rai Resident of
Village-Bagahi Harakhupur, Police Station- Taraiya, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-02-2019 Heard the learned counsel for the petitioner, learned
counsel for the Informant and learned counsel appearing on
behalf of the State.

Petitioner is languishing in judicial custody since
12.11.2018 in connection with Taraiya P.S.Case No.225 of 2018
for the offence alleged under Sections 341, 323, 324, 307, 379
and 504/34 of the Indian Penal Code and later on Section 302
has been added.

The prosecution case as lodged by the informant is
that while he was in his poultry farm, five accused persons
armed with sword and lathi came and started abusing on which
his cousin brother Chandan Kumar objected and co-accused
Kashinath Rai gave sword blow on the head of said Chandan
Kumar who during course of treatment succumbed. The other



accused persons also assaulted the family members of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and there is specific allegation upon co-accused Kashinath Rai to have hit Chandan Kumar and there was a property dispute between the parties, hence the petitioner has been falsely implicated being the father of co-accused Kashinath Rai and Dudhnath Rai. He further submits that he is a man of nearly 70 years of age and undertakes not to induce witnesses or tamper with the prosecution witnesses.

However, learned APP for the State and the informant opposes the prayer for bail stating therein that the petitioner being the father of co-accused Kashinath Rai and there being property dispute played a vital role in the said occurrence.

Considering the facts and circumstances and the materials on record as well as the age of the petitioner, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Taraiya P.S.Case No.225 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Chapra, District-Saran, subject to the



condition that 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.

(Nilu Agrawal, J)

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