

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12529 of 2019**

Arising Out of PS. Case No.-177 Year-2018 Thana- MAHUA District- Vaishali

AJAY RAI, son of Ramjee Rai, resident of village Mohammadpur, Saidpur,  
P.S. Mahua, District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      01-03-2019                      Heard learned counsels for the parties.

The petitioner is languishing in custody since 16.7.2018 in a case registered for the offences punishable under Sections 302/34 of the I.P.C.

The prosecution case as per the Fardbeyan of the chowkidar Musafir Paswan recorded by S.I. Banaras Paswan of Mahua Police Station on 14.7.2018 at 8.45 A.M. is to the effect that on the same day during patrolling a person informed that the dead body of a boy is hanging on the tree. When he went on the spot, on enquiry being made from the onlookers, the dead body was identified to be that of Rishu Kumar, a 14-years-old boy. It was further suggested that on 10.7.2018 at 5.00 P.M., the victim was assaulted by co-accused Usha Devi, Manoj Rai and the petitioner Ajay Rai and in the next morning, the dead body of victim boy was found hanging on the tree. Further motive



alleged is that the aunt of the victim namely co-accused Usha Devi had illicit relationship with the father of the victim namely co-accused Manoj Rai, which was being protested by the victim.

It is submitted by learned counsel for the petitioner that there is no eye witness to the occurrence and only on the basis of suspicion, the accusation has been levelled against the petitioner. Though some of the witnesses claimed to have seen the assault part but none saw how the victim was hanged on the tree. It is further submitted that on conclusion of investigation, the petitioner was not sent up for trial but differing with the final form, cognizance has been taken. The motive and thrust of accusation is against co-accused Manoj Rai and Usha Devi.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the suspicious nature of accusation, the fact that on conclusion of investigation, the petitioner was not sent up for trial and the period under custody coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 the learned Additional Sessions Judge  
III, Vaishali at Hajipur in connection with Mahua P.S. Case  
No.177 of 2018.

**(Dinesh Kumar Singh, J)**

anil/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

