

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25829 of 2019

Arising Out of PS. Case No.-43 Year-2018 Thana- MADHUBAN District- East Champaran

BRIJ KISHORE RAI Son of Jai Narayan Rai Resident of Village-
Bhagwanpur, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Madhuban
P.S. Case No. 43 of 2018 for offences punishable under Sections
302, 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she and her husband were sleeping in the night the
petitioner along with five others came to her house, cut the
throat of her husband and fled away. The cause of dispute is that
the adjoining land, which she has got in Bhudan, the petitioner
and other accused wanted to usurp it.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in
the aforesaid case. He submits that the allegations are general



and omnibus, the informant was also not an eye-witness to the alleged occurrence and some of the co-accused named along with the petitioner has since been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 61282 of 2018 vide order dated 22.11.2018, Cr. Misc. No. 66828 of 2018 vide order dated 14.12.2018, Cr. Misc. No. 68602 of 2018 vide order dated 03.12.2018 and the petitioner is languishing in judicial custody since 01.02.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear any criminal antecedent and two more cases are pending against him, although it has been submitted by the learned counsel for the petitioner that the said two cases have been lodged by the nephew of the husband of the informant.

Considering the nature of allegations and the materials on record, let petitioner, above named, be enlarged on bail after completion of investigation on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IV, East Champaran at Motihari, in connection with Madhuban P.S. Case No. 43 of 2018, subject to the following conditions :



1. 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.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

