

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28196 of 2019

Arising Out of PS. Case No.-213 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

TAPAN RAI Son of Late Jagdeep Rai, Resident of Village-Hariharpur, P.S-
Hajipur Sadar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with S.Tr. No. 03 of 2019 arising out of Hajipur Sadar P.S. Case No. 213 of 2018 registered for the offence punishable under Section 302 of the Indian Penal Code.

Earlier the prayer for regular bail of the petitioner was rejected on 22.11.2018 with an observation that petitioner may renew his prayer for bail after completing one year of jail custody.

Informant is the brother of petitioner who in his fardbeyan has stated that there were land dispute within family and his father (deceased) called the Amin and partitioned the land but the same was not acceptable to his brother (petitioner)



and he tried to encroach over the share of informant and also assaulted informant and his father and pressed the neck of his father, as a result of which he died on the spot. It has been submitted that deceased was old and aged person and he died in scuffle which took place within family members and same happened in a fit of anger and passion.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with S.Tr. No. 03 of 2019 arising out of Hajipur Sadar P.S. Case No. 213 of 2018 subject to the conditions that:-

(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 properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(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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