

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38443 of 2019

Arising Out of PS. Case No.-252 Year-2017 Thana- GOPALPUR District- Patna

OM PRAKASH @ OM RAI @ OM PRAKASH RAI Son of Late Babulal Rai
Resident of Village-Kurkuri, P.S.-Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-06-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Gopalpur P.S. Case No.
252/2017, instituted for offence under Section(s) 302, 201 of the
Indian Penal Code.

It is alleged in the *Fardbeyan* that on getting
information that a dead body is lying in the Paen situated at
Kamtachak Bazar near Rukmini Ektapuram Apartment, the police
party reached at the place of occurrence and found dead body of a
youth lying in drain, whose left hand was fixed with needle used
for saline dripping and bandage was found below his belly.

Learned counsel for the petitioner has submitted that
F.I.R. is against unknown. Name of this petitioner has
subsequently come in the *Fardbeyan* given by wife of deceased,
merely on suspicion. There is no allegation of any specific overt



act against this petitioner.

Learned Addl. Sessions Judge XVIII, Patna has mentioned in the impugned order that in para 21 of case diary, there is statement of wife of deceased. She has stated in her statement that petitioner and co-accused Rakesh Sharma are co-villagers of her husband (since deceased). The petitioner had arranged contract work for her husband for doing electric work in the house of Rakesh Sharma. She has further stated in para 21 of case diary that petitioner had told her Jaut, namely, Anil Kumar not to drag his name if any untoward incident happens with his uncle (deceased).

Petitioner is in custody since 23.04.2019.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. 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 **Chief Judicial Magistrate, Patna**, in connection with **Gopalpur P.S. Case No. 252/2017**, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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