

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70019 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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Jawahar Rai, Son of Late Basant Rai, Resident of Village- Hilalpur Ekamiya
Patti, P.S.- Industrial Area, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-01-2019 The matter has been taken up out of turn on the request of

Mr. Sandeep Shahi, learned counsel for the petitioner with the

consent of Mr. J.N. Thakur, learned counsel for the State since

the mother of the petitioner has died on 27.12.2018 and the last

rites will be performed on 7th of January, 2019.

Supplementary affidavit to that effect has been filed, let it be

kept on record.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is languishing in custody 23.06.2018 in a
case registered for the offences punishable under Sections 302,
120B of the Indian Penal Code and Section 27 of the Arms Act.



The prosecution case as per the written report of Madan Mohan Rai submitted to the Station House Officer of Industrial Area Police Station, Hajipur is to the effect that on 22.06.2018 at 7.00 A.M. the informant received an information that his nephew Santosh Kumar has been shot dead. On the basis of this information the informant went to the house of his nephew where he found victim's younger brother, Ajay Kumar Rai in a dolorous condition, when suspicion was raised against the petitioner being the uncle of the victim since there was dispute between the victim and this petitioner and hence, it was suspected that the petitioner might have got him killed.

It is submitted by learned counsel for the petitioner that only on the basis of land dispute, suspicion has been raised and till date no direct evidence has been collected against the petitioner in the investigation. A statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that the case diary has been recorded till 31.08.2018 and only on the basis of suspicion, the accusation has been levelled.

Considering the nature of accusation based on mere suspicion, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the



above named petitioner 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 learned Additional Sessions Judge-III, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 109 of 2018.

(Dinesh Kumar Singh, J)

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