

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4064 of 2020

Arising Out of PS. Case No.-53 Year-2019 Thana- ALIPUR District- Gaya

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Shyam Nandan Rai @ Shyamanand Ray Son of late Govind Rai Resident of
Village - Barshimha, P.S.- Alipur, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2020 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Alipur P.S. Case No. 53 of 2019**, registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

As per the FIR, the fard-e-beyan of one Suresh Kumar, Choukidar no. 2/7 of Alipur P.S. was recorded by Alipur Police Officer in which he has stated that on 20.07.2019 at about 8.00 a.m., while he was going to Alipur P.S., on the way near Daulatpur village he saw crowd of people where he reached and saw that one dead-body of unknown lady was lying towards south of the field of Kausal Singh in water, he enquired from the crowd, but none of them recognized the dead-body, thereafter, he informed Alipur P.S. Thereafter, the police came and seized the dead-body and F.I.R was lodged against unknown.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner is aged about 70 years and has



falsely been implicated in this case. Petitioner is not named in the F.I.R. Name of this petitioner has come in this case during investigation. Petitioner happens to be father-in-law of the deceased. In fact, petitioner himself filed an inforamatory petition on 02.08.2019 about missing of his daughter-in-law bearing Rail P.S. (Gaya) No. 313 of 2019 under Section 365 of the Indian Penal Code. Charge-sheet has already been submitted and there is no allegation of tampering with the evidence against the petitioner. Petitioner is in custody since 07.08.2019 having clean antecedent.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged 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 Chief Judicial Magistrate 3rd, Gaya** in connection with **Alipur P.S. Case No. 53 of 2019**, subject to the following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(ii) 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.

(Prabhat Kumar Singh, J)

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