

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29143 of 2020**

Arising Out of PS. Case No.-236 Year-2019 Thana- BIDUPUR District- Vaishali

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HARENDRA RAY S/o Jimdar Rai Resident of Village-Sultanpur Khajbatta,
P.S.-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-11-2020 Learned counsel for the petitioner undertakes to remove the defects, if any, within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bidupur P.S. Case No.236/2019 registered for the offence under Sections 304(B)/201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner happens to be the father-in-law of the deceased. It is stated that in the First Information Report a completely vague allegation has been made that all the family members of the husband of the deceased had conspired to kill the niece of the informant. It is stated that later on the informant has stated and went on to file affidavits in



the learned court below that the name of the petitioner was given under mistake of fact and because of some misunderstanding on his part. It is submitted that the petitioner being an old age person of 70 years is languishing in jail in connection with this case since 08.06.2020, investigation against him is complete and if released on bail is not likely to interfere with the course of trial.

On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case wherein this petitioner is said to be the father-in-law aged about 70 years and has remained in jail for over five months and now the informant has come out with a statement that the name of the petitioner had been given under some misunderstanding, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Bidupur P.S. Case No.236/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make



any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

