

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25077 of 2020

Arising Out of PS. Case No.-296 Year-2015 Thana- LALGANJ District- Vaishali

Mahendra Rai @ Mahendra Ray S/o Late Puran Ray Resident of Village-
Yusufpur, P.S.-Lalganj, District-Vaishali ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Mahendra Pratap, Advocate

For the Opposite Party : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-10-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in Lalganj P.S.
Case No. 296 of 2015 registered for the offence under Sections
302, 379/34 of the Indian Penal Code.

As per the prosecution case, the brother of the
informant had gone to the house of Ramnath Rai for demand of
his due money, but the same was not given, rather he was
threatened to kill. It is further alleged that while informant's
brother was returning, this petitioner alongwith Ramnath Rai
and other co-accused caught hold of him (informant's brother)
and caused serious injury on his whole body, due to which, he
became unconscious and thereafter, thinking him dead, his body
was packed in a bag and thrown beside the road. It is further
alleged that one Harendra Rai saw the bag and after opening the
same, he found the body of informant's brother and he informed



informant accordingly. Thereafter, informant's brother was taken to Lalganj for treatment, from where, he was referred to PMCH, Patna and during course of treatment, he died.

It is submitted on behalf of petitioner that alleged occurrence is said to have taken place on 07-08-2015, but the FIR has been lodged on 03-10-2015 on the basis of *fardbeyan* of informant on 29-08-2015 and there is no plausible explanation for delay in lodging the FIR. It is further submitted that informant is not the eye-witness to the alleged occurrence and Harendra Rai who gave this information is also not eye witness and has also not been examined till date. Save and except suspicion, there is nothing against petitioner. It is further submitted that petitioner is an old person aged about 84 years, having no criminal antecedent, as stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances and the fact that except suspicion, there is nothing against the petitioner, the bail application of petitioner is allowed. In the event of his arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the above-named petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of learned A.C.J.M.-14,
Vaishali in connection with Lalganj P.S. Case No. 296 of 2015,
subject to condition as laid down under Section 438(2) of the
Cr.P.C.

(Prabhat Kumar Singh, J.)

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