

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13212 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- MANER District- Patna

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NAGENDRA RAI @ NAGENDRA KUMAR RAI Son of Shri Sheetal Rai,
Resident of Village - Sahali Chak, P.O.- Maner, P.S.- Maner, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-07-2021 In view of sudden resurgence of COVID–19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the

learned APP for the State.

This Court would expect that the petitioner’s counsel

would honour his undertaking in the instant proceedings

regarding supply of requisite court fee etc. within two weeks

from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Maner P.S.

Case No. 131 of 2020 registered for offence punishable under

section 302/34 of the Indian Penal Code.

14 years after marriage of the informant’s daughter

with the petitioner’s elder brother, FIR has been lodged alleging



that her husband has developed some illicit relation with another woman and she has been done to death at her matrimonial home.

Learned counsel for the petitioner submits that two days after the alleged occurrence, FIR has been lodged. The delay is suggestive of the falsity of the allegations. Petitioner is “*Debar*” and living separately since long. The motive and responsibility primarily lies with the husband of the victim. The petitioner’s counsel has instructions that the husband of victim is already in custody. The instant petitioner being “*Debar*” is in custody now for more than a year i.e. 14.04.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released 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 Judicial Magistrate 1st Class, Danapur in Maner P.S. Case No.131 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner.



The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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