

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13092 of 2021**

Arising Out of PS. Case No.-437 Year-2019 Thana- SAHPUR District- Patna

SUNIL RAI Son of Sahdev Rai Resident of Village - Daudpur, Ward No. -1,
P.S. - Shahpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Adv.

For the Opposite Party/s : Mr. Nawal Kishor Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 09-08-2021 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 Shahpur PS Case No. 437 of 2019, registered under Sections 302, 201 and 34 of the Indian Penal Code.

There is allegation that the instant petitioner with co-accused Niranjana Ray have caused death of the informant's



husband with multiple injuries.

Learned counsel for the petitioner submits that it is a case of false implication. Petitioner is brother of the deceased. The persons who have supported the alleged occurrence are, in some way or the other, interested and gained over by the informant. The petitioner is in custody since 02.11.2019 and he has no criminal antecedent. Mere on suspicion the case has been lodged though the petitioner was not even present in the house at the time of alleged occurrence. Co-accused Niranjana Ray has already been allowed bail in Cr. Misc. No. 23669 of 2020. Other Co-accused also have been granted bail in Cr. Misc. No. 23737 of 2020 and Cr. Misc. No. 5894 of 2020.

Learned APP has opposed the prayer for bail referring to the order passed in the case of Niranjana Rai. It is submitted that the same has been allowed taking note of statement of witnesses in paragraph 12, 20, 21 and 22 before the I.O. attributing specific allegation against the instant petitioner. The fact that Niranjana was brother-in-law of the deceased and therefore, could not have any motive has also been taken note of while allowing the prayer.

Considering the rival submissions and in view of nature of allegation corroborated by the medical evidence in



course of investigation, this Court, for the present, is not inclined to allow the prayer for bail of the petitioner. Accordingly, the same is rejected.

(Madhuresh Prasad, J)

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