

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14868 of 2021**

Arising Out of PS. Case No.-296 Year-2020 Thana- PARSA District- Saran

Wakil Rai Son of Ram Nath Rai Resident of Village- Badwaliya, P.S.- Parsa,
District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

7 01-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Parsa P.S. Case No. 296 of 2020 dated 30.08.2020 instituted for
the offences under Sections 302, 328, 201 and 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 31.08.2020, charge-sheet has been
submitted and charges have been framed in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that she had gone to her
father's house on 28.08.2020 and on 30.08.2020, she was
informed that her husband has been killed by this petitioner and



one Birendra Rai by administering poison and the body has been concealed.

Learned counsel for the petitioner further submits that during the course of investigation it transpired that the deceased was issueless and thus had gifted his property to this petitioner and Birendra Rai and it has come that since his property was gifted as such in greed they killed the deceased. It is further submitted that admittedly both the petitioner and Birendra Rai are own nephews of the deceased. The deceased was issueless and out of love he had gifted his property to the petitioner and Birendra Rai and as such there was no occasion for the petitioner and the accused to kill the deceased when the property was already gifted. Learned counsel further submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that informant is not an eye-witness nor any of the witnesses, who have been examined by the police during the course of investigation, are eye-witnesses as such the entire allegation hinges on suspicion that out of greed, the petitioner and co-accused killed their own uncle.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that during the course of investigation, the statement of witnesses at



paragraph '6', '7', '8', '9' and '10' of the case diary has been recorded wherein they have also stated that the deceased was issueless and had gifted his property to the petitioner and Birendra Rai as such out of greed they might have killed the deceased.

Considering the fact that the petitioner is in custody since 31.08.2020, charges have been framed in the case, the petitioner is a person with clean antecedent and prima-facie for the purposes of bail, it seems that the name of this petitioner has come based on suspicion as the informant is not an eye-witness to the occurrence, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 12th Additional Sessions Judge, Saran at Chhapra in connection with Parsa P.S. Case No. 296 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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