

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19217 of 2021

Arising Out of PS. Case No.-168 Year-2019 Thana- BELSAND District- Sitamarhi

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SUWANSH RAI @ SUBANS RAI S/o Ramdeo Rai Resident of Janki
Asthan, Riga Road, Ward No. 1, P.S. and District- Sitamarhi- 843302

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendera Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, App
For the informant : Mr. Sunil Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

4 15-07-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302 and 34, of the Indian Penal Code and Section 27 of the Arms Act.

As per FIR, FIR named accused including the petitioner had threatened to kill the son of the informant and on 07.11.2019, the petitioner in collusion with other co-accused persons committed murder of the son of the informant due to land dispute.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case only on the basis of suspicion. It is further submitted that no witness has disclosed the name of petitioner as an assailant. It is contended that in fact the petitioner is having no concern with the aforesaid land which is under dispute, as alleged by the informant. Allegation is against co-accused Arun Bhagat of parking his motorcycle at the residence of deceased and thereafter calling deceased to come with his motorcycle and thereafter killing him due to land dispute. Even in confessional statement of Arun Bhagat, nothing is stated against petitioner. Petitioner is in custody since 28.12.2020.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Belsand P.S. Case No. 168/2019 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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