

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20330 of 2021**

Arising Out of PS. Case No.-543 Year-2018 Thana- KUDHNI District- Muzaffarpur

Bhupendra Ray aged about 33 years (Male) Son of Late Balendra Ray R/O
Village- Sakri Saraiya, P.S.- Kudhani, (Turki O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr. Sakir Ahmad A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 13-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kudhani (Turki O.P) P.S. Case No. 543 of 2018, registered for the offence under Sections 364, 504, 34 of the Indian Penal Code and later on, Section 302 of the I.P.C. was added.

As per the prosecution case, on 29.10.2018, the informant received an information from one Dhirendra Kumar that while he alongwith Sachin Kumar @ Munna (brother of the informant) and one Channu Sah were taking food in Vaishali Hotel, the FIR named accused persons and unknown accused persons came there and started abusing Sachin (informant's brother) and fired upon him and thereafter, kidnapped him, whereafter, on the next day morning, the dead-body of



informant's brother was recovered.

Petitioner is not named in the FIR. Name of the petitioner has come during course of investigation and he was remanded in this case on 07.09.2020. There is no direct or indirect evidence against the petitioner to connect him with the aforesaid crime. It is further submitted that similarly situated co-accused namely Abhimanyu Kumar Singh and Suraj Kumar have already been granted bail by this Court, vide order dated 19.03.2020 passed in Cr.Misc. No. 74825 of 2019 and order dated 09.10.2020 passed in Cr.Misc. No. 18996 of 2020 respectively.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties, materials available on record and the fact that similarly situated co-accused have been granted bail, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st (West), Muzaffarpur in connection with Kudhani (Turki O.P) P.S. Case No. 543 of 2018, on the following conditions:



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

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

(Prabhat Kumar Singh, J.)

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