

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22921 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- AURAI District- Muzaffarpur

Manoj Rai Son of Sri Ram Preet Rai Resident of Village- Panapur, Tole Area,
P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the Informant	:	Mr. Manish Kumar No. 13, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-12-2021 Heard Shri Ajay Kumar Thakur, learned counsel for the petitioner, Shri Manish Kumar, learned counsel for the informant and Shri Rabindra Kumar, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Aurai P.S. Case No. 217 of 2020 dated 01.11.2020 instituted for the offences under Sections 302, 201, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 02.11.2020 and charge-sheet has been submitted 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 his son on 31.10.2020



did not return to his house, accordingly the informant was informed by co-villager Brij Mohan that his son, on phone, was called at Shahiminapur. The informant thereafter went in search of his son and found the dead body of his son with gun shot injury and thus alleged that this petitioner about a month back was asked to remove sand from the land on which the petitioner along with Sandeep Rai and Deepak had threatened to kill his son. It is next alleged that Deepak and Sandeep Rai had even assaulted the wife of the brother of the informant, hence it is alleged that petitioner along with named accused persons killed his son.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged it would manifest that the name of the petitioner has come on the basis of suspicion raised by the informant on account of previous dispute as alleged. It is further submitted that there is no eye-witness to the occurrence. Learned counsel submits that the dispute as alleged in the F.I.R. was so trivial, for which the petitioner would never have committed such an occurrence when he is not a criminal.

Learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner and submits that there is an eye-witness to the occurrence based on which



during the course of investigation the police apprehended the petitioner. The learned counsel for the informant further submits that eye-witness is own uncle of the deceased and brother of the informant. Countering the submission of learned counsel for the informant, learned counsel for the petitioner submits that the statement of the brother of the informant as eye-witness was recorded on 14.11.2020 i.e. after thirteen days of the occurrence, thus it is submitted that it does not stand to reason that if the uncle had seen the occurrence then why he waited for thirteen days to disclose the same. It is further submitted that as alleged in the F.I.R. it was because of the dispute as alleged that the wife of the brother of informant was assaulted by the named accused persons, as such by way of afterthought the petitioner came to be implicated by the uncle of the deceased claiming to be an eye-witness.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 02.11.2020, charge-sheet has been submitted in the case and the eye-witness is brother of the informant and uncle of the deceased as such it does not seem probable for the present that he would not have disclosed the occurrence after thirteen days if



he had really seen the occurrence taking place, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Muzaffarpur in connection with Aurai P.S. Case No. 217 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

