

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25792 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- LALGANJ District- Vaishali

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Durga Rai Son of Late Rampriti Rai Resident of Village- Salempur, P.S.-
Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Lalganj P.S. Case No. 04 of 2020 dated 02.01.2020 instituted for
the offences under Sections 302, 201 and 34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 29.12.2020, charge-sheet has been
submitted in the case and against him one case of Excise Act is
pending.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that informant alleges that his elder brother Bhola Rai
was living with his maternal grandparents at village-Manikpur



Pipra, District-Muzaffarpur and on 01.01.2020, the informant got information that his brother has been murdered and his dead body has been thrown. Further that his brother was murdered by the accused persons named in the F.I.R. It is further alleged that after receiving information, the informant reached Diyara situated at village-Kalighat and upon search being made by the police party, the clothes, shoes and jacket of the deceased were found at the banks of the Salempur river and the dead body was also taken out from the river.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. Further, the occurrence had taken place at village-Salimpur and the petitioner is residing at village-Gopalpur, which is about 30 kilometres away from the place of occurrence and on the said date and time of occurrence, the petitioner was at his home. It is further submitted that since the dead body was recovered from Salimpur river which is a place situated near the house of this petitioner as such he has been roped in the present case when there is no eye-witness to the occurrence.

The learned counsel for the petitioner submits that Malti Devi and Nawal Rai have been granted bail vide order dated 26.11.2020 in Cr. Misc. No. 26285 of 2020 and co-



accused Santosh Rai has been granted bail vide order dated 02.02.2021 in Cr. Misc. No. 37055 of 2020.

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 29.12.2020, charge-sheet has been submitted in the case and the co-accused have been granted bail by this Court, 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 Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 04 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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