

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35701 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- CHAPRA TOWN District- Saran

1. SONU RAI Son of Arjun Rai Resident of Village - Bara Telpa, Taxi stand, Chapra, P.S.- Chapra Town, Distt.- Saran at Chapra.
2. Rakesh Rai Son of Arjun Rai Resident of Village - Bara Telpa, Taxi stand, Chapra, P.S.- Chapra Town, Distt.- Saran at Chapra.
3. Arjun Rai Son of Sukhlal Rai Resident of Village - Bara Telpa, Taxi stand, Chapra, P.S.- Chapra Town, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-09-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 363, 364/120(B) of the Indian Penal Code.

As per the prosecution case, on 03.09.2020 at 7-8 PM co-accused Vinod Rai and this petitioner took the informant's son with them for dinner party who did not return. Thereafter, on 05.09.2020 co-accused Rahul Rai informed the informant that his son has been killed.

Learned counsel appearing for the petitioners submits



that petitioners are innocent and have falsely been implicated in the case on account of previous animosity. There is case and counter case and Vinod Rai, brother of petitioners No. 1 and 2, filed Chapra Town PS case No. 491/2020 against informant's son and others and with a view to save skin from that case the informant has filed the present case. It is further submitted that the alleged occurrence is said to have taken place on 03.09.2020 but the FIR was filed on 06.09.2020 after delay of three days without any explanation for such delay. The informant is not an eye witness of the occurrence. Petitioners are in custody since 07.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that petitioner No.1 and Vinod Rai took the son of informant for dinner party but thereafter he did not return.

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, above named, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town PS case No. 490/2020 on the following conditions:-



(1) Petitioners 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 on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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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