

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35753 of 2021

Arising Out of PS. Case No.-80 Year-2018 Thana- PARIHAR District- Sitamarhi

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Jitendra Rai Son of Lalu Prasad Rai Resident of Village - Jhitkahiya, P.S.-
Bathnaha, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Parihar P.S. Case No. 80
of 2018, registered for the offence punishable under Sections
302, 201/34 of the Indian Penal Code and section 27 of the
Arms Act.

As per the prosecution case, on the alleged date and
time of occurrence, this petitioner along with two others came at
the house of informant and took the husband of informant, but
he did not return. Next day in the morning, informant came to
know from the villagers that her husband was shot dead and his
dead body was thrown in village Andauli. Informant has
suspected that petitioner and two others have shot dead her



husband and threw his dead body.

It is submitted on behalf of the petitioner that it is a case of circumstantial evidence and at best, the case against the petitioner is of last seen. Similarly situated co-accused has been granted bail by this Court vide order dated 12.03.2019 passed in Cr. Misc. No. 14977 of 2019. There is no eye-witness of the occurrence. The Autopsy report suggests the cause of death due to shock and haemorrhage, leading to cardiac failure due to sharp cutting injury. Petitioner is in custody since 18.01.2021. Investigation is complete.

Considering the submissions made on behalf of the parties and the fact that similarly situated co-accused has been granted bail by this Court, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Sitamarhi in connection with Parihar P.S. Case No. 80 of 2018, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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