

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3449 of 2021**

Arising Out of PS. Case No.-89 Year-2017 Thana- MANER District- Patna

Uma Shankar Rai @ Sipahi Rai, Son of Late Jairam Rai @ Jiram Rai
Resident of Village - Saurmarwa, P.S.- Maner, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyaya, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 16-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Maner P.S. Case no. 89 of 2017 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from a bare reading of the First Information Report it would appear that the son of the deceased is an eye witness who has specifically named Dara Singh @ Prabhunath Singh and Horil Rai @ Nagendra Rai as the main assailants, the third who had fired has also been named as Pintu Kumar. So far as this petitioner is concerned he is not named in the F.I.R. He has been brought within the purview of the investigation on the basis of the



confessional statement of the co-accused Sushil Kumar recorded in paragraph 93 of the case diary. It is alleged that the petitioner had hired the criminals to kill the father of the informant.

Learned counsel further submits that the Sushil Kumar on whose confessional statement the name of the petitioner has transpired has been allowed bail by a learned coordinate Bench of this Court in Cr. Misc. No. 10271/2018. Several co-accused similarly situated namely Vishal Kumar, Hariom Kumar, Sanjiw Kumar @ Phuto and Bahadur @ Bahadur Rai have also been released on bail.

Learned counsel further submits that although the petitioner has got 10 criminal antecedents as stated in paragraph '2' but in one of the cases being Rivilganj (Saran) P.S. Case No. 110/2019 he has not been taken on remand till date despite the fact that he is in custody since 14.04.2020, in all other cases the petitioner is said to be on bail except one being Bihta P.S. Case no. 526/2016. Learned counsel submits that in connection with the present case he is in custody since 14.04.2020 and save and except the confessional statement there is no other material against him.

Mr. Jharkhandi Upadhyaya, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.



Learned A.P.P. submits that this petitioner has allegedly hired the criminals to kill the father of the informant.

Considering the facts and circumstances of the case wherein the informant who is an eye witness has specifically named the main assailants, name of the petitioner has transpired in the confessional statement of the co-accused who has already been granted bail by the learned coordinate Benches of this Court, the petitioner is in custody in connection with this case for one year three months and investigation against him is complete, there is no statement on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Danapur, in connection with Maner P.S. Case No. 89 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

