

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37548 of 2020

Arising Out of PS. Case No.-345 Year-2019 Thana- VAISHALI District- Vaishali

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OM PRAKASH RAY @ CHHOTU @ OM PRAKASH S/o Birendra Chandra
Ray @ Bulkan Ray R/o Village- Warispur, P.S.- Bhagwanpur, District-
Vaishali at Hazipur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-02-2021 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Vaishali (Belsar O.P)
P.S. Case no. 345 of 2019 registered under section 364 of the
Indian Penal Code to which sections 302, 201, 120B & 34 of the
Indian Penal Code were added subsequently.

As per allegation in the FIR, it is stated by the
informant that his brother who slept in the new house, was
found missing in the morning.

It is submitted by learned counsel for the petitioner
that the FIR was registered against unknown. From perusal of
the order of the learned Court below rejecting the prayer for bail
of the petitioner it would transpire that the petitioner's name was
taken by the informant raising a suspicion against him after
more than three months of the occurrence. No incriminating



material has been recovered from his possession. With respect to paragraph nos. 204 to 206 of the case diary it is submitted that the witnesses therein are admittedly not an eye-witness to the occurrence and have merely raised a suspicion against some accused persons including the petitioner herein for the reason that there was some altercation between them and the brother of the informant. The petitioner is in custody since 26.3.2020 and charge sheet has been submitted in the case.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner being in custody since 26.3.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Vaishali (Belsar O.P.) P.S. Case no. 345 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur.

(Partha Sarthy, J)

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