

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4555 of 2021

Arising Out of PS. Case No.-427 Year-2020 Thana- MANER District- Patna

GUDDU RAI S/o Jawahir Rai R/o Village- Molanipur, P.S.- Maner, District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ghanshyam Tiwary, Advocate
For the Opposite Party/s :	MS. Suman Kumari Singh, APP
For the Informant :	Mr. Chandra Shekhar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State as well as learned Counsel for the informant.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Maner PS Case No. 427 of 2020 registered under Sections 302, 201 and 120(B)/34 of the IPC.

There is an allegation that the informant's son went to his Sasural on 3.8.2020. His dead body has been recovered on 10.8.2020 leading to lodging of the FIR in question wherein the petitioner along with all in-law family members have been made accused.

It is submitted by learned Counsel for the petitioner that as per FIR at least since 6.8.2020 the victim was trace less. The delay in lodging the FIR is indicative of its falsity and the same being based on an afterthought. The petitioner is brother-in-law of the deceased. There is no eye witness to the occurrence. Further it is submitted that no motive has been assigned to sustain the allegation



of killing. Other than suspicion there is no material to connect the petitioner with the occurrence.

Learned APP as well as learned Counsel for the informant have opposed the prayer for bail. They have stated about the victim's wife being desirous of solemnising marriage with someone else having regard to the mental status of the victim

Considering the rival submissions as also the fact that the petitioner is in custody since 13.8.2020 and that co-accused Indu Devi has been granted bail in Cr. Misc. No. 1303 of 2021 prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Nutan Kumari, Judicial Magistrate, 1st Class, Danapur, Patna in Maner PS Case No. 427 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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