

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2785 of 2021

Arising Out of PS. Case No.-176 Year-2019 Thana- GANGABRIDGE District- Vaishali

Sunil Rai Son of Bipat Rai @ Bipat Ray Resident of Village- Saifpur, Police
Station- Ganga Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 09-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Ganga Bridge P.S. Case
No. 176 of 2019, registered for the offence under Section
302/34 of the Indian Penal Code.

As per the prosecution case, on 08.10.2019, the
younger brother of the informant had gone to see Dussehra fair,
but till late night he did not return, thereafter, the informant
called him on mobile and he (deceased) replied that he was with
co-villagers and would return after some time, but when his
brother did not return, the informant reached near pillar no. 9
and saw that his brother was standing with petitioner and other
co-accused persons and thereafter, the informant returned from
there. However, the brother of the informant did not return in
night and on the next morning, the informant came to know that
dead body of his brother is lying in the banana orchard.



It is submitted on behalf of petitioner that petitioner has been made accused in this case only because he alongwith other FIR named persons were last seen with the deceased, whereas, there is no eye-witness to the occurrence. It is further submitted that one similarly situated co-accused namely Pappu Rai has already been granted bail by this Court, vide order dated 28.05.2020 passed in Cr.Misc. No. 5812 of 2020 (Annexure – 2). Petitioner has got clean antecedent and he is in custody since 28.09.2020. Chargesheet has already been submitted.

Considering the aforesaid facts and circumstances as well as nature of accusation and the fact that similarly situated co-accused has already been granted bail, the bail application of petitioner is allowed.

Let the above named petitioner 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 176 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his



bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers 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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