

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4823 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- KATEYA District- Gopalganj

AJAY RAI S/O UDAYNARAYAN @ UDAYNARAYAN RAI R/O
VILLAGE RASAUTI, P.S. KATEYA, DISTRICT GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-06-2021 Heard Mr. Anirudh Kumar Sinha, learned
counsel for the petitioner and Mr. Ajay Kumar No. 2,
learned Additional Public Prosecutor appearing for the State
through video conferencing.

Petitioner seeks regular bail in connection with
Kateya P.S. Case No. 148 of 2020 registered for the
offences punishable under Sections 302/34 of the Indian
Penal Code 1860.

The allegation as per the First Information Report
is that the father-in-law of the informant who was '*Mahant*'
of '*Nath Baba Math*' had gone to sleep after taking his meal
and at 11:00 p.m. in the night some unknown criminals
committed murder after assaulting him with bamboo on his



head and when the informant in the morning arrived at the *Math*, he found the dead body of his father-in-law and informed the Police about the occurrence. Thereafter, the Dog squad was brought which with the help of sniffer dog reached at the door of the petitioner and upon interrogation, the petitioner has confessed his guilt and his confessional statement was recorded by the Police. It has further been alleged that the petitioner also disclosed the name of two other accused persons namely, Nityanand Mishra and Laxman Upadhyay and their confessional statement were also recorded by the Police in which they have admitted their participation in the present offense.

Learned counsel for the petitioner submits that the petitioner has not committed any offense in the manner alleged and he used to visit the *Math* with other persons inasmuch as the *Mahant* was in habit of using *Ganja* and also used to sell the same. Learned counsel further submits that a large number of persons used to come at the *Math* for consuming *Ganja*. Learned counsel also submits that since the petitioner often used to visit the *Math* and for that reason, the sniffer dog arrived at the house of the petitioner.



Learned counsel next submits that the co-accused person namely, Nityanand Mishra whose confessional statement was also recorded and he has admitted his participation in the present offense has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 33110 of 2020. Learned counsel next submits that other co-accused Lakshman Upadhyay whose confessional statement was also recorded had preferred bail application before this Court which has been dismissed as withdrawn with observation to renew his prayer for bail after four months by order dated 10.11.2020 passed in Cr. Misc. 23916 of 2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that except confessional statement of the petitioner there is no material against him and other similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court as well as charge sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of



Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Kateya P.S. Case No. 148 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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