

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6645 of 2021

Arising Out of PS. Case No.-437 Year-2018 Thana- PHULWARISHARIF District- Patna

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UMA SHANKAR RAI @ SIPAHI RAI SON OF LATE JAIRAM RAI @
JIRAM RAI RESIDENT OF VILLAGE- SAURAMARWA, P.S.- MANER,
DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Ajay Kumar Thakur and Babita Kumari, Advocates
For the Opposite Party/s :		Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-07-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Phulwarisharif P.S. Case
no. 437 of 2018 registered under sections 364, 120B and 34 of
the Indian Penal Code.

As per allegation in the FIR, the son of the informant
disappeared on 9.6.2018. It is stated by the informant that his
daughter in law and other son informed him that his son had
gone with Santosh Rai, Amar Kumar and Sadhu Rai.

It is submitted by learned counsel for the petitioner
that the petitioner is not named in the FIR. No witness has
named him. He was not sent up for trial in the first chargesheet.



His name transpired in the confessional statement of co-accused Horilal Rai made before the police. No material has transpired in course of investigation to implicate the petitioner who is in custody since 27.6.2020.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material which has transpired in the course of investigation and the petitioner having remained in custody for over one year, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Phulwarisharif P.S. Case no. 437 of 2018 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 Additional Chief Judicial Magistrate IX, Patna.

(Partha Sarthy, J)

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