

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11762 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- DHANARUA District- Patna

RAJESHWAR PRASAD S/o Late Ram Bachan Yadav Resident of Village-
Dubhara, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Prasad, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Rama Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-12-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that as a result of the land dispute between the informant and the members of his family which included his father ie the petitioner herein, his wife was done to death.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From contents of the FIR it would transpire that the petitioner happens to be the father-in-law of the deceased and father of the informant. The false implication is as a result of land dispute



between the father (petitioner) and his son (husband of the deceased). The allegations are general and omnibus in nature. He is in custody since 10.9.2021. It is lastly submitted by learned counsel for the petitioner that from the certified copy of the deposition of the prosecution witness it would transpire that trial/examination of the prosecution witness has already commenced in the learned trial Court. The petitioner undertakes to cooperate in the trial.

Heard learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the contents of the allegation in the FIR, the allegations being general and omnibus in nature together with the petitioner having remained in custody for more than a year since 10.9.2021, the petitioner is directed to be enlarged on bail in connection with Dhanarua P.S. Case no. 238 of 2021 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 J.M. Ist Class, Masaurhi, (Patna) on the following conditions:

(I) The petitioner shall remain properly represented in the learned trial Court on each date of the trial and shall



cooperate in the trial.

(II) In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation of the petitioner, the learned trial court will be at liberty to cancel the bail bond of the petitioner and to take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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