

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12772 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- GORAUL District- Vaishali

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BACHCHU RAI @ BACHCHU KUMAR age 30 years, Male, S/o
Bindeshwar Rai, R/o-Village- Rampur Dumari, P.S. Goraul (Kathara O.P.),
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Goraul P.S. (Kathara O.P.) Case No. 194 of
2021 registered for the alleged offences under Sections 302/34
of the Indian Penal Code.

Allegation against the petitioner is that he along with
other co-accused persons murdered the husband of the
informant due to previous enmity.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Except for suspicion there is nothing against the petitioner. In fact the husband of the informant died while stealthily fishing in the pond and fell down and drowned. The same is supported by the post-mortem report which shows the cause of death as asphyxia due to drowning in the water. The learned counsel further submits that other similarly placed co-accused persons have been allowed bail by Coordinate Benches of this Court vide order dated 25.03.2022 in Cr. Misc. No. 62934 of 2021 and vide order dated 13.05.2022 passed in Cr. Misc. No. 72277 of 2021. The petitioner is in custody since 21.12. 2021.

Learned APP opposes the prayer for bail and submitting that direct allegation against the petitioner in the FIR itself.

Having regard to the submissions made hereinabove and considering the fact that there is no cogent material on record for joint involvement of the petitioner in the occurrence as alleged and further considering the period of custody of the petitioner and the fact that other similarly placed co-accused were allowed bail by Coordinate Benches of this Court, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)



with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -1, Vaishali at Hajipur in connection with Goraul P.S. (Kathara O.P.) Case No. 194 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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