

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14274 of 2022

Arising Out of PS. Case No.-46 Year-2006 Thana- MADHAURAH District- Saran

Paras Ray Son of Late Deonath Ray Resident of Village - Masahan, P.s.-
Marhowrah, Distt.- Saran (Chapra)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Zainul Abedin, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the learned

APP for the State.

Petitioner seeks regular bail in connection with

Marhowrah P.S. case no. 46 of 2006 registered for the offences

punishable under Sections 302, 120(B) of the Indian Penal Code.

Allegedly informant's father was murdered and the

informant suspected the petitioner and other co-accused persons to

be involved in the murder of his father and according to him the

petitioner and co-accused persons who were behind the bars at the

time of commission of alleged murder had conspired to murder the

informant's father.

The main submissions advanced by learned counsel for

the petitioner are that the informant simply raised suspicion

against the petitioner and admittedly the petitioner was in judicial



custody in connection with an other case at the time of commission of the alleged murder, and there is no direct evidence against him to connect him to the alleged murder and considering these facts the learned court below did not remand the petitioner in the present case while in this regard a prayer was made by prosecution, as per informant the petitioner is alleged to be a member of the conspiracy, regarding which there is no sufficient evidence. Further submission is that the petitioner has been acquitted by the High Court in connection with Marhowrah P.S. case no. 96 of 2000 which is stated to be the basis of enmity between the petitioner and the informant's family and in the present case the petitioner himself surrendered before the Court below and at present the charge has been framed. Hence, the petitioner's case is running for prosecution's evidence.

Learned APP has opposed the prayer for bail.

Having considered the above submissions and mainly the facts that there is no direct evidence against the petitioner as appears from the FIR and the informant has simply raised suspicion against the petitioner on account of having enmity with the petitioner and co-accused persons and admittedly petitioner was in jail at the time of commission of the murder of the informant's father and in the present time petitioner's case is running for prosecution evidence. Accordingly in the light of these



facts a lenient approach can be taken in respect of petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Marhowrah P.S. case No. 46 of 2006 on the following conditions:-

(1) Petitioner shall co-operate during 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

siddharthkr/-

U		T	
---	--	---	--

