

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17521 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- BALIA BELON District- Katihar

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SANJIT RAI @ SANJEET RAY S/o Late Gunadhar Ray @ Gunadhar Rai
R/o village- Shekhpura, P.S.- Balia Belone, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Chandra Patel, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Balia Belone P.S. Case No. 51 of 2021 for the offences
under Sections 302/34 of the Indian Penal Code.

The allegation in the FIR is that the informant came to
know that his nephew Raj Kumar Rai, who was quarreling with
his wife, has died. When he visited the house of the in-laws of
the deceased's nephew, he can see the ligature mark on his neck.
He as such alleged that the in-laws of his nephew have killed
him.

Learned counsel for the petitioner submits that he is



not even related to the in-laws of the Raj Kumar Rai and actually is a neighbor. He further submits that there is no eye witness to the occurrence and on suspicion all the names including the petitioner herein has been dragged. He further submits that he has no criminal antecedent as would reflect from paragraph-3 of the bail application. Lastly, he draws the attention of this Court an order passed by the co-ordinate Bench of the Court passed in Cr. Misc. No. 55310 of 2021 (Shekhar Rai Vs. The State of Bihar) disposed of on 06.04.2022 by which one of the co-accused has since been granted the privilege of bail.

Let the order be kept on record.

Taking into account the fact that there is no eye witness to the occurrence, the petitioner has no criminal antecedent, charge sheet stands submitted and the he is in jail since 27.08.2021 (as stated in paragraph-25 of the bail application), this Court is inclined to grant him the privilege of bail. However, the learned Court below shall verify the criminal antecedent report of the petitioner at the time of releasing him on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Balia Belone P.S. Case No. 51 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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