

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17421 of 2022

Arising Out of P.S Case No.-105 Year-2021 Thana- PARSA District- Saran

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Arun Rai Son of Laddu Rai Resident of Village - Banawaripur, P.S.-
Dariyapur, Distt.- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 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 Parsa
P.S. Case No. 105 of 2021 registered for the offences under
Sections 302, 120(B) of the Indian Penal Code and Section 27
of the Arms Act.

Allegedly two accused persons named Upendra Rai
and Satendra Rai caused fire-arm injury to the informant's
daughter from a close range who died at the spot and as per
prosecution the name of present petitioner surfaced during the
course of investigation as being a conspirator.



The main submissions advanced by learned counsel for the petitioner are that the petitioner is not named in the FIR, the informant's daughter claimed herself to be an eye witness of the alleged murder but according to the FIR the said eye witness did not disclose the name of this petitioner being involved in the murder of the victim and during the course of investigation, the name of the petitioner surfaced in the confessional statement of co-accused Suchindra Rai and except this there is no other material against the petitioner to connect him to the alleged crime and one co-accused namely Vijay Singh who was made accused similarly, on the basis of confessional statement of co-accused Suchindra Rai has been granted regular bail by a coordinate bench of this Court in Criminal Miscellaneous No. 64318 of 2021 and against the petitioner investigation has been completed and he has been languishing in jail since 03.08.2021. Further submission is that petitioner had no concern with the Parsa P.S. Case No. 13 of 2017 lodged by deceased with an allegation of rape and against the petitioner there is only criminal antecedent of one case which was lodged in respect of a different matter.

Learned APP for the State has opposed for the bail prayer.



Having regard to the facts and circumstances of this case and considering the above submissions and mainly the facts that the petitioner is not named in the FIR and as per above submission petitioner's name surfaced in the statement of co-accused Suchindar Rai who also disclosed the name of co-accused Vijay Singh who has been considered for regular bail by a coordinate bench of this Court vide order passed in above mentioned Criminal Miscellaneous and in view of above plea taken by the petitioner his case also appears to be similar with the said co-accused Vijay Singh, in the light of these facts a lenient approach can be taken in respect of the 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 Parsa P.S. Case No. 105 of 2021, on the following conditions.

(1) Petitioner shall co-operate in 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 tempers 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 close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than Dariyapur P.S. Case No. 256 of 2021 of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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