

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29434 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- PANAPUR District- Saran

1. RAJU YADAV @ MISTER SON OF JAGMOHAN RAI Resident of Village- Satjora Tola Pachhatar, Police Station- Panapur, District- Saran.
2. Lala Rai @ Umesh Rai Son of Ramnath Rai Resident of Village- Satjora Tola Pachhatar, Police Station- Panapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner No.1 : Mr.Manohar Prasad Singh, Adv.
For the Petitioner No. 2 : Mr.Nawal Kishore Singh, Adv.
For the Opposite Party/s : Mr.Anil Kumar Singh-I,APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 29-06-2022 Pursuant to order dated 05.01.2022, a show cause reply has been filed on behalf of Lala Rai @ Umesh Rai (petitioner no. 2) wherein it is stated that the *parivikar* of petitioner no. 2 had never given any fee or papers to any other counsel, except Sri Nawal Kishore Singh for filing the case and without his (*parivikar*) knowledge or consent, the present bail application was moved.

The show cause reply filed on behalf of petitioner no. 2 cannot be accepted due to the fact that in the present case, the *vakalatnama* has been filed containing thumb impression of petitioner no. 2 and thus, it cannot be said that without his knowledge or consent, present bail application was filed.

Fact remains that present bail petition i.e. Cr.Misc.



No. 29434 of 2021 was pending and suppressing this fact, petitioner no. 2 filed another bail application through his counsel Sri Nawal Kishore Singh, vide Cr.Misc. No. 40017 of 2021, in which, he obtained bail.

In view of conduct of petitioner no. 2 regarding suppressing the fact of pendency of present bail petition and obtained bail in another petition i.e. Cr.Misc. No. 40017 of 2021, his show cause reply is rejected.

Accordingly, petitioner no. 2 namely Lala Rai @ Umesh Rai is directed to surrender before the court below within a period of two weeks from today. If he does not comply with the order, the learned court below is directed to take coercive steps against him and take him into custody.

Regarding prayer for bail of petitioner no. 1

Petitioner no. 1 seeks bail in a case registered for offence under Section 364, 302, 120(B), 201/34 of the I.P.C.

As per the F.I.R., on 17.07.2020 at about 4:30 PM, petitioner no. 1 alongwith two co-accused came at the house of informant and took her husband on motorcycle and thereafter, husband of informant did not return. During search, on 19.07.2020 at about 3:00 PM, the dead-body of her husband was found floating in water.



It is submitted that it is a case of circumstantial evidence, since petitioner no. 1 and other two co-accused were last seen with the deceased on 17.07.2020 and after two days, his dead-body was recovered. It is further submitted that informant is not the eye-witness of the occurrence and petitioner has been made accused only on suspicion. Petitioner has got clean antecedent and he is in custody since 13.08.2020. Investigation is complete.

Considering the aforesaid facts and circumstances, the prayer for bail of petitioner / Raju Yadav @ Mister is allowed and he is directed to 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 learned A.C.J.M. 1st Saran at Chapra in connection with Panapur P.S. Case No. 107 of 2020.

(Prabhat Kumar Singh, J)

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