

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23299 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- RAJEPUR District- East Champaran

Arjun Ray @ Arjun Rai S/o Chanar Ray, R/o village- Molanapur Tetaria, P.S.-
Rajepur, District- East Champaran at Motihari (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23641 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- RAJEPUR District- East Champaran

Zilajit Kumar @ Jilajit Rai Son of Narayan Rai, Resident of Village-
Molnapur, P.S.- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23299 of 2022)

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 23641 of 2022)

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 08-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioners seek regular bail in connection with
Rajepur P. S. Case No. 177 of 2021 lodged under Sections 302

and 120B/34 of the Indian Penal Code.

As per the F.I.R., the informant had stated that at about 9.00 a.m. in the morning of 13.11.2021 his son went to his *Fufa's* house situated at Motihari from Muzaffarpur. It has been alleged that at about 1.00 p.m. one Jitendra Kumar son of Arjun Rai (petitioner of Cr. Misc. No. 23299 of 2022) has called for taking *Nasta*. It has been alleged that 6 named persons and 2-3 unknown persons have taken the son of the informant at unknown place and after 2 days, the dead body of the informant's son was recovered. On the basis of apprehension present case has been lodged making suspicion against the accused persons including the petitioners. It has been specifically alleged that there is an illicit relation between the wife of the deceased with accused Jitendra, which was opposed by the son of the informant always, due to which there was continuous threat from the side of Jitendra Kumar.

Learned counsel for the petitioners submits that upon going through the entire allegation, it transpires that the main conspirator as alleged by the informant is the son of petitioner. Learned counsel for the petitioner submits that petitioner is an old age person, aged about 77 years. He further submits that petitioner is in custody since 16.11.2021, having clean

antecedent. He further submits that there is no direct evidence found in the entire case against him.

Learned counsel for the petitioner of Cr. Misc. Case No. 23641 of 2022 submits that petitioner is a stranger for the case, he is in no way related in any of the member of the family either of informant or of the accused. He further submits that name of petitioner has figured in this case only due to the reason that he is resident of the same village where Jitendra used to reside. He further submits that petitioner is in custody since 16.11.2021 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that all the witnesses of this case are of Muzaffarpur District and non of the witness is there of East Champaran, Motihari.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is a deep rooted conspiracy under which the son of the informant was subject to murder on the instigation of Jitendra Kumar, who has having illicit relation with Menka Kumari, the wife of the deceased. From Jitendra Kumar, there was a continuous threat to his life which has been indicated in the F.I.R.

In the present facts and circumstances of the case and the submissions made above and considering the age of petitioner of Cr. Misc. Case No. 23299 of 2022, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran, Motihari in connection with Rajepur P.S. Case No. 177 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

But I am not inclined to grant bail to the petitioner of Cr. Misc. Case No. 23641 of 2022 at present, but liberty is hereby granted to the said petitioner that he shall file his bail application before the Trial Court after framing of charge and

Trial Court is directed to release him on bail on its own conditions, so that he shall not evade during trial.

(Dr. Anshuman, J.)

ravishankar/-

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