

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25124 of 2022

Arising Out of PS. Case No.-600 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

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RAJESH KUMAR RAI @ RAJESH ROY Son of Damodar Roy Resident of
Village - Ram mandir Gali, Miyachak, Ward no.22, P.s.- Begusarai Town,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Fahimuddin, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Begusarai

Town P.S. Case No. 600 of 2019 registered for the offence under

Sections 328, 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 21.01.2022.

The allegation against the petitioner is to commit

murder of father of the informant by administering poison along

with other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence, where implication is purely based upon suspicion. It is submitted that FIR itself speaks about the land dispute between the parties and maximum allegation against petitioner appears that petitioner along with seven(7) other named co-accused persons approached father of the informant to visit immersion of idol, suggesting “last seen” only. It is further submitted that nothing surfaced during course of investigation to connect petitioner with present occurrence, where petitioner is a man of clean antecedent, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as petitioner is not the eye-witness of the occurrence, where implication is based upon suspicion in the background of pending land disputes, having maximum allegation of last seen coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Begusarai Town P.S. Case



No. 600 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Cheif Judicial Magistrate, Begusarai/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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