

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37807 of 2021

Arising Out of PS. Case No.-32 Year-2021 Thana- BEUR District- Patna

SUMAN RAI Son of Late Jagdish Ray Resident of Mohalla East Mahavir Colony, Road No. 15, P.S. Beur, District Patna, At present resident of village Hulukpur , P.S. - Beur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Pandey, Adv

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 28-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the IPC and Section 27 of Arms Act.

The prosecution case, in short, is that the informant is daughter of the petitioner gave her fardbeyan at P.M.C.H., Patna alleging therein that on 20.12.2020 her father with one unknown person in drunken state entered into the house and started abusing her mother, then her mother told the unknown person to



go out from her house, on which, her father (petitioner) started assaulting the informant, her brother, her sister and her mother, and further she alleged that her father (petitioner) told to shoot her, on this, unknown person fired on the mother of informant. The bullet hit on the left thigh of the mother of informant and thereafter the father of the informant (petitioner) told that the whole movable and immovable property will be sold and also giving threatening for dire consequence and thereafter they fled away and thereafter on hulla, nearby people gathered there and they took the mother of the informant to P.M.C.H., Patna for treatment and during course of treatment she died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation of firing is against co-accused, namely, Munni Lal. He further submits that the petitioner has falsely been implicated in the present case on the ground that the petitioner has earlier lodged FIR vide Beur P.S.Case No.51 of 2012 against his wife and after that petitioner has also filed a Matrimonial Case No.746 of 2018 under Section 9 of the Hindu Marriage Act for restitution of conjugal right. Due to that reason, the petitioner has falsely been implicated in the present



case. He further submits that during course of postmortem, the Doctor has found no bullet injury on the body of deceased and cause of death was due to heamorrhage and shock and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Beur P.S. Case No.32 of 2021, with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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