

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42544 of 2021

Arising Out of PS. Case No.-130 Year-2020 Thana- BIDUPUR District- Vaishali

Saryug Ray, Son Of Late Dewaki Ray, Resident of Village - Bisanpur Diara
Bhagtan Tola, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail

in connection with Bidupur P.S. Case No.130 of 2020

registered for the offences punishable under Sections 302, 201

and 120B/34 of the Indian Penal Code. He is in custody since

07.03.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as

per the prosecution story the allegation against the petitioner

is that he has hatched a conspiracy with other accused persons



and committed the murder of the deceased namely Sanjay Kumar Rai.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that this petitioner happens to be the brother of one Sarvesh Rai and the deceased in this case was married to the daughter of said Sarvesh Rai. It is submitted that the petitioner has been named as an accused without there being any specific allegation and only because he happens to be the kith and kin of Sarvesh Rai.

Learned counsel submits that the petitioner is living separately in mess and business after partition for more than 15 years. It is submitted that one of the co-accused who happened to be the Sadhu of the deceased and was implicated in this case has been enlarged on bail by a learned coordinate Bench of this Court in Cr.Misc.No.32019/2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that this petitioner happens to be the brother of one Sarvesh Rai and the deceased in this case was married to the daughter of said Sarvesh Rai, the money transactions, if any, had taken between the



deceased and the co-accused Munna Kumar, son of Sarvesh Rai, so far as this petitioner is concerned, he has been named as an accused without there being any specific allegation and only because he happens to be the kith and kin of Sarvesh Rai, he is living separately in mess and business after partition for more than 15 years, in the case diary no corroborative material has come against this petitioner, the petitioner has no criminal antecedent and has remained in custody since 07.03.2021, one of the co-accused who happened to be the Sadhu of the deceased and was implicated in this case has been enlarged on bail by a learned coordinate Bench of this Court in Cr.Misc.No.32019/2020, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali, Hajipur in connection with Bidupur P.S. Case No.130 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

