

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34614 of 2022

Arising Out of PS. Case No.-144 Year-2022 Thana- MAHUA District- Vaishali

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Kameshwar Rai @ Dally Rai Son of Late Laxmi Rai Resident of Village -
Kanhauri Bishunparshi, P.S.- Mahua, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal (Sr. Adv.)
	:	Mr. Ajay Kumar Tiwari, Adv.
	:	Mr. Kumar Rajdeep, Adv.
	:	Mr. Arvind Kumar, Adv.
For the Opposite Party/s :	:	Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-11-2022 Let the defect(s), if any, be removed within two

weeks from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks regular bail in connection with

Mahua P.S. Case No. 144 of 2022 lodged under Sections 341,

342, 302, 120(B), 379, 34 of the I.P.C.

As per the prosecution case, the informant has

narrated that on 11.03.2022 when he was sleeping with his wife

in poultry farm, at about 2 am he heard giggling sound in the

early morning of that day, which was coming from the room of

his brother. Hearing that sound they went to see what happened

in his brother's room then they saw that somebody was

strangulating his brother's the neck. Subsequently, the informant

disclosed 4 named persons and 5-6 unknown persons in the

F.I.R. Informant further submits that upon oppose, they all were

tied by rope by those persons and only in the next morning, they became free with the help of their son, who came to bring milk for them. The cause for this case has been shown that there is a land dispute going on in the family with the uncle due to which informant's younger brother was killed in Kanhauli on 28.03.2003.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 12.03.2022 and there is one case pending against him in which he is on bail. He further submits that at the first instance when the informant saw the occurrence, he narrated the truth but the subsequent part he has interpolated. He also submits that there is no eye witness of the occurrence and the story of seeing the occurrence itself transpires to be false from the F.I.R.

Learned counsel for the State opposes the prayer for bail and submits that except the said allegation there is no further evidence available in the case diary.

In the present facts and circumstances of this case and the submissions made above, 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 C.J.M. Vaishali at Hajipur in connection with Mahua P.S. Case No. 144 of 2022, 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 be resulted into cancellation of his bail bond.

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

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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