

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47340 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- MAHUA District- Vaishali

VIRCHANDRA RAI Son of Yogendra Ray Resident of Village - Mansurpur
Milki, P.S. Mahua, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Mahua PS case no. 282 of 2020 instituted for the offences
punishable under Sections 302 and other allied sections of
Indian Penal Code.

The case of the prosecution in brief, as per the
fardbeyan of the informant dated 19.05.2020 leading to
registration of first information report dated 27.05.2020, lodged
by the informant namely Jugeshwar Ray, is that on 16.05.2020
at about 3.30 hours, while he along with his wife was going
from his house to his old house and had reached near the house
of one Vinod Rai, the accused persons including the petitioner
herein numbering about 14 known and 4-5 unknown persons



came there and surrounded the informant and his wife, whereafter they had engaged in assaulting them with sticks resulting in the wife of the informant sustaining injuries, which resulted in her subsequent death. It is submitted that though the incident had taken place on 16.05.2020, but on account of being engaged in the treatment of his wife, the informant could give his farbeyan before the S.I. S.K. Puri Police Station, Patna, only on 19.05.2020 at 3.30 hours in the hospital where his wife had succumbed to her injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 13.11.2020. The learned counsel for the petitioner has further submitted that though, the petitioner is in custody since 13.11.2020, in connection with one other criminal case, however he has been remanded in the present case only on 31.05.2021. It is next submitted that as far as the petitioner is concerned, there is no allegation of him having engaged in any sort of overt act and in fact, the allegation regarding the wife of the informant having been assaulted by iron rod has been levelled upon the co-accused persons namely Vinod Rai and Bindeshwar Rai @ Vindeshwar Rai. The learned counsel for the petitioner has also



referred to an order dated 10.03.2021, passed by this Court in Cr. Misc. no. 34905 of 2020, whereby and whereunder the co-accused person namely Vindeshwar Rai has already been granted bail by this Court, to submit that the materials available in the case diary which have been collected during the course of investigation would show that as far as the petitioner is concerned, no allegation has been levelled against the petitioner of having assaulted the wife of the informant.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by this Court vide order dated 10.03.2021, apart from the fact that no specific allegation of any sort of overt act has been levelled against the petitioner *qua* the wife of the informant, as far as both the fardbeyan dated 17.05.2020 and 19.05.2020 are concerned, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to



be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M. Vaishali at Hajipur in connection with Mahua PS case no. 282 of 2020.

(Mohit Kumar Shah, J)

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