

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39884 of 2022

Arising Out of PS. Case No.-242 Year-2019 Thana- BASANTPUR District- Siwan

Narendra Rai @ Narendra Yadav Son Of Late Bisheshwar Rai R/O Village-
Basawan Naya Tola, P.S.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 07-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with
Basantpur P.S. Case No. 242 of 2019 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that this
petitioner along with other co-accused persons killed his uncle
and this petitioner was alleged to have taken the deceased along
with him on a motorcycle.

The main submissions advanced by learned counsel
Mr. Surendra Kishore Thakur appearing for the petitioner are



that the petitioner has fair and clean antecedent and languishing in jail since 08.05.2022 and in the FIR it was alleged that the deceased was lastly in the company of the petitioner and according to the allegation the deceased was taken by this petitioner on his motorcycle but except this there is no any other allegation and the said allegation is not sufficient to reveal petitioner's involvement in the alleged murder as there was no reason for the petitioner to be involved in the alleged killing of the informant's uncle while during the investigation it came out that there was some illicit relationship between the deceased and wife of co-accused Shivnath Chaudhary and further a spy of the police revealed during the investigation that the petitioner took the victim along with him on his motorcycle but the victim got down from the petitioner's motorcycle on the way. Further submission is that the prosecution has placed reliance upon the statement of the co-accused Binda Chaudhary but he did not reveal the role of the petitioner in the alleged murder.

Learned APP Mr. Gauri Shankar Gupta appearing for the State has opposed the bail prayer but fairly accepted that during investigation a secret information was given by a spy of police to show that the deceased left his home along with this petitioner on his motorcycle but on the way the deceased left the



company of the petitioner and as per the statement of co-accused there was no role of the petitioner in the alleged crime.

Having regard to the facts and circumstances of this case, considering the above submissions and mainly the facts that during the investigation it came into light that there was some illicit relationship between the deceased and wife of the co-accused Shivnath Chaudhary and prosecution has not satisfied this Court about the reason of the petitioner to be involved with co-accused persons in killing the deceased and moreover as per the above discussed facts there are some circumstances going in favour of the petitioner and he has fair and clean antecedent, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Basantpur P.S. Case No. 242 of 2019.

(Shailendra Singh, J.)

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