

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40034 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- DUMRA District- Sitamarhi

Manager Rai S/O Late Puneet Rai Resident of Village- Dhanushi, Ward No.-
02, P.S.- Dumra, District- Sitamarhi, (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Smiti Bharti, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 01-12-2022 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
Dumra P.S. Case No. 71 of 2022 lodged under Sections 302/34
of the I.P.C.

As per the prosecution case, the informant has
narrated that his son was living his life as *Mahanthh* for the last
5 years. It has been stated that he used to look after the joint
family property as well as its disputes. It has been stated that his
4 agnates including the petitioner used to threaten the son of the
informant. It has also been stated that due to land disputes
continuous threat was on the *Mahanthh*. It has been stated that

on the previous night at about 9 p.m. informant's son went to *mathh* then his another son Kaushal Rai disclosed that some persons, including the present petitioner, were present at the *mathh* and discussion used to take place there. It has been specifically alleged that Ganeshi Sah has threatened the son of the informant to kill him. And in the early morning, it has been disclosed that the dead body of the informant's son was there in the *mathh*. When the informant reached there, he found the dead body of his son, who had been killed by sharp weapons. And with this allegation, case has been filed against 4 named persons, including the present petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He also submits that the present case has been filed only and only by virtue of suspicion and hearsay material. He submits that the material came in the investigation against the petitioner from the statement of the co-accused and no cogent material has been found against the petitioner. He submits that petitioner is in custody since 07.03.2022 and there are 2 criminal cases pending against him and he is on bail in both the cases. He further submits that out of the two cases pending against the petitioner, in which he is on bail, one case is related to dowry and another

case is related to Section 298A of I.P.C.

Learned counsel for the State opposes the prayer for bail and he submits that confessional statement of co-accused discloses the name of the petitioner. He further submits that post-mortem report indicates that the attack has been caused by sharp cutting weapons.

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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 71 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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