

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39798 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- DARIYAPUR District- Saran

Ranjay Rai Son of Kaushal Kishor Rai @ Kaushal Rai R/O Village- Akilpur,
P.S.- Dariyapur, District- Saran (CHAPRA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Chaudhary, Senior Advocate Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s	:	Ms. Anita Kumari, APP
For the Informant	:	Mr. Ravi Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 05-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dariyapur
P.S. Case No. 55 of 2022 registered for the offence under
Sections 302, 201 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.01.2022.

The allegation against the petitioner is to commit
murder of son of the informant due to previous disputes arises
out of selling and purchasing of land.

Learned Senior counsel appearing on behalf of the



petitioner submitted that the maximum allegation, what is appearing from the face of F.I.R. against this petitioner, is of last seen. It is submitted that the son of the informant met with an accident and as the matter was reported by this petitioner to the informant, he was falsely implicated due to previous enmities, purely on suspicion. It is submitted that from the face of F.I.R., it appears that deceased went on his own, alongwith two accused persons and, as such, the theory of last seen is also not stand exclusive against this petitioner. It is further pointed out that the petitioner was arrested in Dariyapur P.S. Case No. 54 of 2022 on 27.01.2022, where he was granted bail in bailable offence by police station itself, and on the next very day, for no reason, he was arrested in this case merely on the basis of suspicion, where nothing surfaced during the course of investigation to connect this petitioner with present occurrence. It is further submitted that petitioner arrested in present case merely on the basis of suspicion, as he found coming from the direction of place of occurrence, without having any other connecting materials. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that the trial is under progress, where two witnesses have already been examined and further submitted that the family of the petitioner is regularly advancing threat to the informant and his family members.

Considering the facts and circumstances as mentioned above, as except suspicion, no incriminating material recovered/surfaced to connect this petitioner, *prima facie*, with occurrence, where petitioner is in custody since 29.01.2022, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dariyapur P.S. Case No. 55 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII, Saran at Chapra/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) That accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

Presence of I.O. of this case before this Court is dispensed with.

(Chandra Shekhar Jha, J)

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