

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50906 of 2021

Arising Out of PS. Case No.-229 Year-2021 Thana- SONEPUR District- Saran

=====

Devanand Rai Son of Krishna Gopal Rai Resident of Village- Jahangirpur
Dudhalla More, P.S.- Sonepur, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 16-05-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Sonepur P.S.Case No. 229 of 2021 for the
offences punishable under Sections 302/ 120B of the Indian
Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is alleged that in the
year 2020 Dev Kumar was killed by some persons but the
family members of Dev Kumar suspected the hands of the
son of the informant due to which all the named accused
persons and 2-3 known persons used to threatened the



informant for dire consequences. It is alleged that on 01.05.2021 informant's son had gone for a walk and while he was sitting with Jitu Kumar, his daughter also went for walk and saw his brother sitting with Jitu Kumar. It is further alleged that at about 6.30 pm, the informant came to know that his son was killed. There upon informant and his family members rushed to the place of occurrence and found that his son was shot dead. It is further asserted that he came to know that all the named accused persons along with 2-3 unknown person killed his son.

It is submitted by the learned counsel for the petitioner that only because of previous animosity the petitioner has been implicated in this case and moreover, this petitioner has not found involved in any other case, except one case relating to Excise Act. It is lastly submitted that there is no eye witness to the alleged occurrence petitioner is in custody since 04.05.2021 though the investigation has already been completed and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits



that during the course of investigation, the complicity of the petitioner has come and the informant and other witnesses have suspected the participation of this petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that there is no eye witness to the alleged occurrence and even prior to the alleged occurrence he was not seen at the place of occurrence and moreover, one Jitu Kumar along with whom the deceased was sitting near his house had not disclosed the name of this petitioner. Apart from the fact that investigation has already been completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at chapra in connection with Sonapur P.S.Case No. 229 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

N.K/-

U		T	
---	--	---	--

