

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41803 of 2022

Arising Out of PS. Case No.-377 Year-2021 Thana- BHELDI District- Saran

Sunil Rai, Son of Late Nanhak Rai, Resident of village - Bariyarpur, P.S.-
Bheldi, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bashishtha Kumar Mishra, Advocate
	Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s :	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bheldi P.S. Case No. 377 of 2021 registered for
the alleged offences under Sections 302/34 of the Indian Penal
Code.

As per prosecution case, The informant and the
petitioner are brothers and the petitioner and his wife assaulted
the wife of the informant and this fact was told to the informant
by his wife on mobile phone. After sometime of the said
occurrence, the informant received news from a lady from his
village that his wife has died and the informant alleged that the



petitioner and his co-accused wife Babita Devi administered poison to the wife of the informant and killed her.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the family affairs of the informant who was living separately in the house. The wife of the informant might have committed suicide for other reasons after heated talk on mobile with the informant. The informant is not an eye-witness and he has made the petitioner accused on the basis of a concocted story. Learned counsel further submits that from the post mortem it appears that the allegation of assault is false since no external injuries were found and cause of death could not be ascertained and viscera was preserved for the same. The petitioner is in custody since 06.04.2022 and charge sheet has already been submitted. The petitioner is having clean antecedent.

Learned APP opposes the submission made on behalf of the petitioner submitting that the witnesses in paragraphs 9 to 12 of the case diary have supported the prosecution case. However, he concedes that all of them have stated about wife of the informant consuming poison and committing suicide. The viscera have been preserved.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of cogent material to connect the petitioner with the offence as alleged and further considering his period of custody and the submission of charge-sheet along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra in connection with Bheldi P.S. Case No. 377 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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