

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53857 of 2021

Arising Out of PS. Case No.-224 Year-2018 Thana- DARIYAPUR District- Saran

Jitendra Rai Son of Krishan Rai Resident of Village- Sabalpur, Nawal Tola,
Police Station- Sonepur, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 09-03-2022 The applicant is an accused in Crime No. 224 of 2018 registered with Dariyapur Police Station for the offences punishable under sections 302 and 201 of the Indian Penal Code as well as Section 27 of the Arms Act.

The learned counsel for the applicant argued that FIR is lodged by Choukidar namely, Surendera Manjhi and the applicant is falsely implicated in the subject crime.

The learned APP makes a statement at Bar that the applicant is implicated in the subject crime only on account of suspicion against him. This statement made at bar is accepted by this Court.

According to the prosecution case, first informant Surendra Manjhi had noticed two dead bodies in two gunny



bags and he had reported this fact to police on 16.7.2018. It is reported that subsequently Harendra Rai who happens to be brother of the deceased, Dharmendra Rai had identified those dead bodies as that of Dharmendra Rai and Dinesh Rai.

Though, this application was adjourned from time to time in order to enable the learned prosecutor to point out the evidence if any, appearing against the applicant, despite sufficient chance nothing is pointed out to this Court which may incriminate the applicant in the subject crime of murder of two persons. Not only that this the Court had directed the State to file counter affidavit mentioning evidence if any, appearing in the case diary against the applicant. However, nothing is pointed out even in the counter affidavit filed by Shishu Pal Singh of police station, Maner in order to demonstrate prima facie case against the present applicant. Along with application, the applicant had annexed the order passed by the coordinate Bench of this Court on 6.11.2020 in Cr. Misc. No. 14710 of 2020 granting bail to co-accused with finding that there is minuscule evidence against the applicant therein.

As despite repeated chances, it is only pointed out by the learned APP that the case against this applicant is based merely on suspicion, I see no reason to refuse bail to the



applicant and therefore, the order.

I. The application is allowed.

II. The applicant/accused in Crime No. 224 of 2018 registered with Dariyapur Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) on furnishing two sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections



forthwith and the Registry to issue certified copy of this order
only after removal of office objections by the
applicant/accused.

(A. M. Badar, J)

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