

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56226 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- CHAPRA TOWN District- Saran

=====

Rahul Rai @ Raju Rai @ Rahul Kumar Rai Son of Jaipal Rai Resident of
Village - Chhota Telpa, P.S.- Chapra Town, District - Saran at Chapra

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh
For the Opposite Party/s : Ms. Meena Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 23-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's
counsel would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Chapra
Town P.S. Case No. 490 of 2020 registered under Sections 363,
364 and 120B of the Indian Penal Code.

While co-accused Sonu Rai and Vinod Rai are said
to have called the victim from his house for attending the dinner
party, against the petitioner there is allegation that two days
later, petitioner has intimated the fact about murder of the victim
to the informant (father).



Earlier the petitioner had moved for grant of bail. This Court, on 12.03.2021, has rejected the prayer for bail. Thereafter, as per submission of the petitioner's counsel, many co-accused, namely, Sonu Rai, Rakesh Rai, Arjun Rai, Rajdev Rai and Pankaj Kumar have already been enlarged on bail. One of the co-accused who had taken away the informant's son on the pretext of attending dinner party, has also been allowed bail. The claim for bail is made on the ground of parity by submitting that the petitioner's case stands on better footing than that of Sonu Rai for the reason that against the petitioner there is no allegation of taking away the informant's son. At best he has intimated the factum of murder to the informant. Submission is that petitioner has been implicated merely based on criminal antecedents. Further submission is that in two of the cases, namely, Chapra Mufassil P.S. Case No. 169 of 2011 and Chapra Town P.S. Case No. 216 of 2008, the petitioner has been acquitted and in other five cases pending against him, as per disclosure made in paragraph 3, he is on bail and there is no allegation of its misuse. The investigation is also complete. Petitioner is stated to be in custody since 07.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that



other co-accused persons have been enlarged on bail, including one against whom there is allegation of taking away the informant's son, this Court is inclined to allow the prayer for bail having regard also to the period of custody and the fact that the investigation is complete.

Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-XIII, Saran at Chapra in Chapra Town P.S. Case No. 490 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SUMIT/-

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

