

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58511 of 2021

Arising Out of PS. Case No.-228 Year-2015 Thana- MOKAMAH District- Patna

KARTIK RAI, Son of Indra Dev Ray @ Ino Ray Resident of Village - Naya Tola Mekra, P.S. - Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with S.Tr. No. 283 of 2020 arising out of Mokama P.S. Case No. 228 of 2015, for the offences punishable under Sections 364, 302, 201, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that the petitioner and other accused persons came to the house of the informant and took away her son namely Mukesh Ray and after some time, a gun shot fire was heard. Thereafter, it is alleged



that the dead body of Mukesh Ray was thrown to Ganges after committing murder.

Learned counsel for the petitioner submits that there is general and omnibus allegation against all the accused persons that they have taken away the deceased and thereafter, they might have killed her son and thrown his dead body into Ganges. There is no eye-witness to the alleged occurrence and this FIR has been instituted on the basis of a complaint which has been lodged after delay of four days.

He further submits that on earlier occasion the prayer for bail of the petitioner was rejected by a coordinate Bench of this Court on 12.10.2020 passed in Cr. Misc. No. 75816 of 2019 with a direction to the learned Sessions Court to conclude the trial expeditiously preferably within a period of nine months from the date of normalcy of the court proceedings. It is lastly submitted that one of the co-accused persons, namely, Pappu Rai @ Pappu Yadav @ Pappu Kumar has already been granted bail by coordinate Bench of this Court vide order dated 18.11.2019 passed in Cr. Misc. No. 68300 of 2019 and the case of the petitioner stands on similar footing.

Learned APP for the State opposes the bail application and submits that there is direct allegation against this petitioner



and other accused persons that they have taken away the deceased and thereafter they killed him and threw the dead body into Ganges.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that earlier the application of the petitioner was rejected with a direction to conclude the trial within nine months though more than one year and six months has already been elapsed but till date only three witnesses have been examined and there is no likelihood of completion of trial in near future. Moreover, even on merit also there is no eye-witness to the alleged occurrence and the FIR has been instituted on the basis of complaint after four days of the occurrence and one of the co-accused has already been granted bail having similar allegation and this petitioner is in custody since 29.07.2019 having clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Barh, Patna in connection with Mokama P.S. Case No. 228 of 2015, with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Harish Kumar, J)

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