

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64245 of 2021

Arising Out of PS. Case No.-139 Year-2021 Thana- BARH District- Patna

UDAY RAI Son of Late Bhunna Rai Resident of Village - Malahi West, P.S.-
Barh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Barh P.S.
Case No. 139 of 2021 registered for the offence under Sections
302 and 201 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 13.04.2021.

The allegation against the petitioner is to commit
murder of brother of the informant along with other co-accused
persons.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced in the present



case on the basis of confessional statement of the co-accused, namely, Ajay Kumar @ Ajay Rai @ Jhola Rai, who has been granted bail by one of the learned co-ordinate Bench vide order dated 17.05.2022 in Cr. Misc. No. 65858 of 2021. It has further been submitted that there is no eyewitness of the occurrence and further nothing surfaced during course of the investigation, which may connect the petitioner with the alleged occurrence of murder. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as name of the petitioner surfaced on the basis of confessional statement of the co-accused and in furtherance of the said confessional statement nothing surfaced to connect the petitioner in the present occurrence coupled with the fact that charge-sheet has been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Barh P.S. Case No. 139 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate, Ist, Barh, Patna, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Manorma Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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