

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70001 of 2021

Arising Out of PS. Case No.-71 Year-2019 Thana- PARAIYA District- Gaya

BIRENDRA SINGH @ BUTAI SINGH Son of Late Bayadar Singh Resident
of Village - Chhakan Bigha, P.s.- Paraiya, and Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-05-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Paraiya P.S. Case No. 71 of 2019, registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that the informant came to know from his nephew that one Ram Kumar Chacha has been murdered, whereafter the informant went to village Uprahuli where his cousin brothers told him that the deceased had visited the house of Rambilash Mahto where Tilak function was going on and



subsequently, the deceased had received a call, whereafter he went away and subsequently, it was seen that the deceased was eating and drinking while sitting with the petitioner, one Shiv Kumar Singh and one Birendra Singh. Subsequently, the dead body of the deceased was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 14.9.2021. The learned counsel for the petitioner has further submitted that there is no evidence on record much less any eye-witness to suggest that the petitioner had murdered the deceased. It is also submitted that exactly similarly situated co-accused person, namely, Shiv Kumar Singh, has already been granted bail by a coordinate Bench of this Court vide order dated 19.3.2020 passed in Criminal Miscellaneous No. 80666 of 2019.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Gaya in connection with Paraiya P.S. Case No. 71 of 2019.

(Mohit Kumar Shah, J)

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