

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71247 of 2021

Arising Out of PS. Case No.-278 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Anil Rai @ Ranjit Rai, S/o Lalbahadur Rai, R/o village- Mohanpur, P.S.-
Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma,APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Samastipur Muffasil P.S. Case No. 278 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, the father of the informant was abused and assaulted by the petitioner and other co-accused persons in the background of some land dispute. On next morning, father of the informant was found dead and informant



showed his suspicion that the petitioner and other co-accused persons killed him.

Learned counsel for the petitioner submits that there is no eye witness to the occurrence and the petitioner has been falsely implicated in this case merely on suspicion. Even the minor children and the wife of the petitioner have been made accused in this case. The petitioner is a close agnate of the informant and admittedly, there is a land dispute between the parties. No substantive material has come up during investigation against the petitioner. The witnesses examined during investigation are hearsay witnesses. Charge sheet has been submitted in this case and the petitioner is in custody since 20.06.2021.

Learned APP for the State opposes the prayer for bail of the petitioner. Learned APP submits that the petitioner was named by the informant who earlier assaulted his father and later on the father of the informant was found dead. However, the learned APP concedes that there is no eye witness to the occurrence.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering lack of any cogent material against the petitioner to



connect him with the crime and also considering his period of custody along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur Muffasil P.S. Case No. 278 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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