

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72277 of 2021

Arising Out of PS. Case No.-194 Year-2021 Thana- GORAUL District- Vaishali

KRISHNA RAI S/O BINDESHWAR RAI R/O VILLAGE- RAMPUR
DUMARI, P.S.- GORAUL (KATHARA O.P.), DIST.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 05.09.2021, charge-sheet has been
submitted and is a person with clean antecedent.

The informant alleges that on 06.05.2021 at 08:00
p.m. accused Hulash Sahani called the husband (deceased) of
the informant for fishing in the pond of Bindeshwari Rai and
during fishing accused persons including the petitioner killed
the husband of the informant by drowning due to enmity and the



informant came to know about the occurrence on 07.05.2021 at 08:00 a.m.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant is not an eyewitness to the occurrence and the entire allegation is based on suspicion. Though, it is alleged in the FIR that the husband of the informant was killed on account of previous enmity but nothing in the FIR has even been suggested remotely that what kind of enmity was prevailing between the deceased and the accused persons. Learned counsel further submits that if the deceased had any apprehension that Hulash Sahani may attempt to kill the husband of the informant then definitely he would not have accompanied him. It is next submitted that the death was due to drowning as the deceased was in drunken condition and, as such, slipped while fishing. Even the postmortem report records asphyxia due to drowning in the water. It is, thus, submitted that in totality the entire allegation hinges around suspicion without there being any eyewitness to the occurrence. It is further submitted that co-accused Bindeshwari Rai and Pankaj Rai have been granted bail by order dated 25.03.2022 in Cr. Misc. No. 62934 of 2021.

Learned A.P.P. for the State vehemently opposes the



prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 05.09.2021, charge-sheet has been submitted, is a person with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Goraul P.S. (Katharo O.P.) Case No. 194 of 2021.

(Satyavrat Verma, J)

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