

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3855 of 2023

Arising Out of PS. Case No.-333 Year-2021 Thana- MAHUA District- Vaishali

Sanjeet Kumar Ray @ Sanjeet Ray S/O Rajendra Ray R/v- Chakdadan, P.S.-
Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP
For the Informant	:	Mr. Shivjee Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
05.08.2022 in connection with Mahua P.S. Case No. 333 of
2021, F.I.R. dated 07.06.2021 for the offences punishable under
Sections 328, 302/34 of the Indian Penal Code.

According to prosecution case, the accused persons
including the petitioner called the husband of the informant
asking him to visit the father of Sanjeet Rai. Later on, the



informant came to know that her husband was lying adjacent to PCC Road, who was declared dead by the doctors of Aarti Hospital, Mahua.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that the petitioner and others have taken loan from the husband of the informant and in order to embezzle that money, they killed the husband of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Abhay Kumar @ Abhay Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2022 passed in Cr. Misc. No. 62399 of 2021. The petitioner is in custody since 05.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present occurrence and the F.S.L. report also



suggests that the death of the victim was caused due to poison.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali, Hajipur in connection with Mahua P.S. Case No. 333 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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