

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6594 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- BIRAUL District- Darbhanga

Niraj Kumar Rai @ Niraj Rai, Son of Ram Lala Rai @ Ram Lala Roy,
Resident of village- Bairampur, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 365 and 364
of the Indian Penal Code.

As per prosecution case, one miscreant came outside
the house of the informant by motorcycle and informant's elder
brother went away with him on the alleged motorcycle. It is
further alleged that his mobile was found switched off and two
threatening messages were received on the mobile of informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. There is no eye witness in
the present case. No consistent evidence has come during
investigation against the petitioner to show his involvement in



the present case. Nothing has been recovered from the possession of the petitioner. He is not named in the F.I.R. rather his name has been transpired during investigation only on the basis of confessional statement of the co-accused Subhash Maharaj before the police, which has no evidentiary value in the eye of law. He has got no criminal antecedent. The petitioner is languishing in judicial custody since 30.09.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that location of the mobile of the petitioner shows the complicity of the petitioner in the present case.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Biraul P.S. Case No. 149 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Benipur, Darbhanga.

(Sunil Kumar Panwar, J)

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