

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20092 of 2023

Arising Out of PS. Case No.-346 Year-2013 Thana- VAISHALI District- Vaishali

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Suraj Rai @ Surya Narayan Rai Son of Late Rajendra Rai Resident of
Village-Khajuatta, P.S.-Vaishali, District-Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Vaishali P.S. Case No. 346 of 2013 registered on
20.12.2013 for the alleged offences under Sections 302, 201, 34 of
the Indian Penal Code.

04. As per prosecution case, the elder brother of the
informant, namely, Shankar Rai was taken away by the petitioner
and other co-accused persons for some settlement talk over a land
dispute between the parties and he did not return thereafter. On
next day, the dead body of the brother of the informant was found
and informant showed his suspicion that the petitioner and other



co-accused persons, under a conspiracy, murdered his brother and threw the dead body.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Due to previous enmity, the informant named the petitioner and his family members in the present case. There is no eye witness to the alleged occurrence and there is only suspicion against the petitioner. Learned counsel further submits that it is an absurd thing that a person would go with his enemy if there has been a long standing enmity between them. If the brother of the informant did not return for whole night, no one went for his search and which also shows falsity of allegation. Learned counsel further submits that other co-accused persons have been granted bail by the different Co-ordinate Benches of this Court vide order dated 26.07.2017 passed in Criminal Misc. No. 17558 of 2017, order dated 23.08.2017 passed in Criminal Misc. No. 39136 of 2017, order dated 14.02.2023 passed in Criminal Misc. No. 46717 of 2022 and order dated 24.04.2023 passed in Criminal Misc. No. 11924 of 2023 and the case of the petitioner is exactly on similar footing. The petitioner is in custody since 12.10.2022 and charge-sheet has been submitted.

06. Learned APP for the State opposes the prayer for bail submitting that the petitioner is having a criminal antecedent



of serious nature.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication and lack of substantive material against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 346 of 2013 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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