

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18186 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- VAISHALI District- Vaishali

Sahbir Rai @ Sahvir Ray, Son Of Tappi Rai, Resident Of Village-
Bhagwanpur Ratti Tola Sadhopur, Ps And District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Vaishali P.S. Case No. 436 of 2022 registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, husband of the informant was called by his father for giving him some money. Allegation against the petitioner is that he along with other co-accused persons killed the husband of the informant by using firearms.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR but during course of the investigation, informant recorded her re-statement before the



police that petitioner called her husband from Kolkata under a conspiracy and he was the husband of the cousin sister of the husband of the informant. Petitioner's confessional statement was recorded under threat and coercion. Learned counsel further submits that deceased was himself a dubious character and the informant was his third wife. The husband of the informant had left his two wives and it appears that his death was caused for other reasons. The petitioner has no concern with the alleged occurrence and it is not believable that he would commit such type of occurrence. For this reason no offence under Section 302 of IPC and Section 27 of the Arms Act is made out against this petitioner. The petitioner is in custody since 10.11.2022 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner entered into a conspiracy along with other co-accused persons and cause death of the husband of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of material against the petitioner to show his involvement in the offence as alleged and also considering the



clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, 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 Chief Judicial Magistrate, Vaishali at Hajipur/court concern in connection with Vaishali P.S. Case No. 436 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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)

balmukund/-

U		T	
---	--	---	--

