

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29959 of 2023

Arising Out of PS. Case No.-126 Year-2019 Thana- RAGHOPUR District- Vaishali

=====

ABHISHEK RAY @ DHELA RAY SON OF HARENDRA RAI Resident of
Village-Sukumarpur, PS-Raghopur, Distt-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dayanand Singh, Advocate Mr. Pramod Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Mahendra Thakur, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-08-2023 Heard Mr. Dayanand Singh, learned counsel for the petitioner and Mr. Mahendra Thakur who represent the informant as also Mr. Jitendra Kumar Singh, learned APP for the State.

The petitioner is in judicial custody in connection with Raghopur (Rustampur O.P.) P.S. Case No. 126 of 2019 for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 457, 326, 354, 307, 302, 201, 120(B), 504 of the Indian Penal Code and 27 of the Arms Act lodged on 9.9.2019 by the informant, Bhulee Devi.

As per the prosecution story, the allegation against three set of accused persons is/are of killing/cutting three



persons and two of them into pieces.

So far as this petitioner is concerned, he is in the third set of accused persons who took Putul Rai, from the house of Ajay Rai fired at him and later took him near the bank of river, cut him into pieces and threw the same into the river.

It is the case of the petitioner that already the said Ajay Rai was an accused in a case lodged by the informant's side and it is unbelievable that a Panchayati was going to be at his place. Further, the vague allegation has been made against each and every family member of the accused persons which clearly shows mala fide intention of the informant's side.

The last submission is that in the third set of people who have killed Putul Rai in which along with this petitioner Chandan Rai and Sunil Rai also been named, they have been subsequently extended the privilege of bail by coordinate benches of this Court in Cr. Misc. No. 18978 of 2020 and Cr. Misc. No. 35176 of 2020 respectively (Annexure-4 series).

Mr. Mahendra Thakur, learned counsel for the informant on the other hand submits that there are two accused persons with the same name i.e. Dharmendra Rai. He submits that Dharmendra Rai was the main accused person, the other Dharmendra Rai was the only conspirator. However, concealing



the facts/father's name of the main accused, Dharmendra Rai, the first bail order was obtained which led to series of grant of bail.

It is his submission that he has already filed cancellation of bail with regard to one co-accused, Rama Rai @ Ramakant Rai on the ground that he has also concealed the criminal antecedent. He as such opposes the prayer for bail stating that it is the case of triple murder and the petitioner was part of the third group that killed and took the dead body to the river and cut it into pieces and threw it into the river.

Mr. Jitendra Kumar Singh, learned APP supports the submission put forward by the learned counsel for the informant and submits that it is the case of triple murder. However, acknowledges that some of the accused persons have since been released on bail by the coordinate benches of this Court.

Taking into account the aforesaid facts on record, the submission of the respective parties, further two similar situate two persons, as stated above, have since been released on bail, the petitioner is in custody since 26.2.2023 (para-15 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Vaishali at Hajipur, in connection with Raghapur (Rustampur O.P.) P.S. Case No. 126 of 2019 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Ravi/-

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

