

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43368 of 2023

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

SHRI BHAGWAN RAI, aged about 64 years (M), S/O RAMANAND RAI
R/O VILLAGE- MAIDAPUR, PS. TURKI, DIST. MUZAFFARPUR

... .. 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.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Vaishali P.S. Case No. 436 of 2022 dated 03.11.2022 registered
for the offence(s) punishable under Section(s) 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent, he is father of the deceased, though he is
named in the FIR but the informant simply raised suspicion
against this petitioner and his family members on account of
the deceased's marriage with her which was a love marriage
and the informant belongs to other caste and the said facts were
the main basis of the suspicion raised by her but the allegation



levelled against this petitioner is completely unbelievable and the informant is third wife of the deceased and there was no reason for the petitioner as well as his family members to have become displeased to the marital relationship in between the deceased and the informant, in fact the deceased was himself of a suspectable character. Further submissions are that the investigation has been completed against the petitioner and one co-accused person, Sabir Rai @ Sahvir Ray has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.18186 of 2023 and petitioner is a retired railway employee and he is suffering from cardiac disease and has been languishing in jail since 27.02.2023

4. Learned APP appearing for the State has opposed the bail prayer.

5. Having regard to the facts and circumstances of the case and considering the above submissions and mainly the facts that the informant merely raised suspicion against this petitioner and she did not claim to be the eye-witness of the alleged occurrence and petitioner is a retired railway employee and he is also suffering from cardiac disease and against him, the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner



named-above be enlarged on bail in connection with Vaishali
P.S. Case No. 436 of 2022 on furnishing bail bond of
Rs.10,000/-(Ten Thousand) with two sureties of the like amount
each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Sanjay/-

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

