

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41654 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- MANER District- Patna

SAHJA NAND RAI @ PIYAR RAI Son of Late Sant Lal Rai Resident of
Ratan Tola, P.S.- Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishana Prasad Singh
		Mr. Vibhuti Kumar
For the Opposite Party/s :		Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 30-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Maner
P.S. Case No. 115 of 2022 registered for the offences punishable
under Sections 302 and 34 of the IPC.

As per prosecution case, informant's brother has
been killed by close friends under conspiracy.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired in the case during the course of investigation upon the
confessional statement of co-accused and petitioner has also



confessed his guilt which is not admissible in the eyes of law. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 17.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no eye witness to the alleged occurrence. Petitioner is quite innocent and has been falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Learned Judicial Magistrate, Danapur in connection with Maner P.S. Case No. 115 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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