

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45097 of 2022

Arising Out of PS. Case No.-33 Year-2015 Thana- BEUR District- Patna

Shailendra Nath Prasad @ Shailendra Dubey Son Of Late Ayodhaya Prasad
R/O Village- Makdumpur, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Jha
		Mr. Suryakant Mishra
		Mr. Sushil Kumar Jha
For the Opposite Party/s :		Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Beur
P.S. Case No. 33 of 2015, registered for the offences
punishable under Sections 302, 376(D) and 34 of the Indian
Penal Code.

The prosecution case as emerging from the FIR is
that the wife of the informant was killed by the petitioner
and his associates, after committing rape.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the case against the petitioner



is based only on suspicion and there is no direct witness to the alleged occurrence. He also submits that even after investigation, there is no concrete material to connect the petitioner with the alleged offence and the case is based only on suspicion. He further submits that other accused person, namely, Urmila Devi has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 25.10.2021 passed in Cr. Misc. No. 11781 of 2021.

He further submits that the petitioner has been languishing in jail since 22.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Rashmi Prasad Ld. Judicial Magistrate Ist Class, Patna in connection with Beur P.S. Case No. 33 of 2015, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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