

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46717 of 2022

Arising Out of PS. Case No.-346 Year-2013 Thana- VAISHALI District- Vaishali

RAJU RAI Son of Shiv Shankar Rai Resident of village - Khajuatta, P.S.-
Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Vaishali
P.S. Case No. 346 of 2013 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.04.2022.

The allegation against the petitioner is to commit
murder of husband of the informant, along with other co-
accused persons, due to previous enmities arises out of land
dispute.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced in the present case, merely, on the basis suspicion, where informant is not the eye witness of the occurrence. It is further submitted that suspicion as raised against this petitioner is founded over pending litigation arises out of land dispute. It is also submitted that other similarly situated co-accused persons, namely, Deep Narayan Rai and Shiv Shankar Rai, have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 39136 of 2017 vide order dated 23.08.2017 and Cr. Misc. No. 17558 of 2017 vide order dated 26.07.2017 respectively. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that informant is not the eye witness of the occurrence.

In view of the facts and circumstances as mentioned above, as entire allegation is founded over suspicion, where informant is not the eye witness of the occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Vaishali P.S. Case No. 346 of 2013 on
furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned
Court, subject to the conditions as laid down u/s 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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