

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55239 of 2022

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

SHIV NATH RAI @ SINATH RAI @ SHI NATH RAI Son of Late Shiv
Govind Rai R/V- Mehdawan, P.S- Maner, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 10-02-2023 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 Section 302 read with Section 34 of the Indian Penal
Code.

As per prosecution case, informant's brother has
been killed by close friends under conspiracy. It is further
alleged that co-accused Gorakh Mistry has made
communication with the deceased on mobile.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired in the present case upon the confessional statement of
co-accused Gorakh Mistry and petitioner has also confessed his



guilt. He further submits that there is no eye witness of the alleged occurrence. Except suspicion and confessional statement of co-accused, there is no cogent material available 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 FIR named co-accused Gorakh Mistry has already been granted bail vide Cr. Misc. No. 45165 of 2022 by this Court and the case of present petitioner stands on better footing as the petitioner is not named in the FIR. Co-accused Sahja Nand Rai has also been granted bail vide Cr. Misc. No. 41654 of 2022 by this Court and the case of present petitioner stands more or less on similar footing.

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, co-accused have already been granted bail, 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-1st Class, Danapur, District-Patna 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)

vashudha/-

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