

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60086 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- DESARI District- Vaishali

Mithalesh Rai Son of Kamal Deo Rai R/O Vill - Bajitpur Chak Kasturi, P.S. -
Desari (Sahadei O.P), Distt. - Vaishali

... .. Petitioner/S

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Desari P.S. Case No. 77 of 2023 registered for the offence under
Sections 302, 120(B), 201 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and
is in custody since 16.04.2023.

4. The allegation against the petitioner is to commit
murder of son of informant along with other co-accused persons
after calling him from home on 04.03.2023 at about 7:00 PM.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was falsely implicated with
present case being co-villagers out of local dispute and
differences. It is submitted that only out of “last seen”



allegation, as the son of informant was alleged to be taken away from home along with other co-accused persons, the present implication was made, where nothing incriminating surfaced during the course of investigation, as to suggest his involvement with crime in question. It is further pointed out that the F.I.R. was lodged with a delay of two days having no explanation, whereas the dead body was found in early morning i.e. about 4:00 AM, on the date of occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as, save and except suspicion arises out of last seen, nothing appears, *prima facie*, incriminating against petitioner suggesting his involvement with present occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Desari P.S. Case No. 77 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two



sureties of the like amount each to the satisfaction of the Court
of learned Chief Judicial Magistrate, Vaishali at
Hajipur/concerned court, subject to the conditions as mentioned
under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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