

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71230 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- MUSRIGHRARI District- Samastipur

RAJENDRA PANDIT son of Dhannu Pandit Village- Saidpur Jahid Ps-
Samastipur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate.

For the Opposite Party/s: Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Musrigharari P.S. Case No. 118 of 2022 dated 10.7.2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, dead body of the mother of the informant was found tied in an electric tower and there was a rope tied around her neck. The petitioner named his father, Dev Narayan Ray, Usha Devi and this petitioner for being instrumental in killing his mother due to illicit relationship of Usha Devi with the father of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. Petitioner has no concern with the affairs of father of the informant or any of his family members. Learned counsel further submits that the petitioner is a friend of co-accused Dev Narayan Ray and for this reason he has falsely been implicated in this case. There is no eye witness to the occurrence and the petitioner has been made accused only on suspicion. Co-accused Dev Narayan Roy has been acquitted by the learned trial court in Sessions Trial No. 588 of 2022 vide judgment dated 18.8.2023. So nothing remains in the case against the petitioner. The informant himself resiled from his statement in the First Information Report and stated that his mother committed suicide. Learned counsel further submits that co-accused Usha Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. 63557 of 2023. The petitioner is in custody since 21.8.2023.

5. Learned APP opposes the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the acquittal of main accused and further considering the remoteness of allegation against the petitioner without any substantial material, the petitioner above named is directed to be



released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Samastipur, in connection with Musrigharari P.S. Case No. 118 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditons:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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