

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21574 of 2024

Arising Out of PS. Case No.-2 Year-2022 Thana- GAIGHAT District- Muzaffarpur

BRAJESH RAI S/O- METARAM RAI R/O- VILLAGE- JAMALPUR,
KODAI, P.S.- GAIGHAT, DIST.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajeev Kumar Singh, Advocate Mr. Rajesh Kumar Singh, Advocate Mr. Md Jubair Ansari, Advocate
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 27-09-2024 1. Heard learned counsel for the petitioner and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.
3. In compliance of the order dated 13.09.2024, the Investigation Officer of the case is present in the Court.
4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case by the informant. It is further submitted that even presuming what has been alleged is true without admitting then petitioner had taken the son of the informant a day prior to the occurrence but then the informant is not an eyewitness to the occurrence of killing of his son rather based on suspicion it has been alleged that



petitioner might have involved in the killing of the son of the informant. It is next submitted that informant in the FIR alleges that on the next day the dead body of the deceased was found in a mango orchard of Ram Kumar Jha hanging from a tree without clothes having mark of injuries on the body. Learned counsel further submits that is it possible for the petitioner individually to commit the occurrence when the deceased and the petitioner were of the same age. It is further submitted that investigation in the present case is over and apart from the petitioner, no other person has been made an accused. It is next submitted that petitioner was not arrested rather surrendered on 18.08.2023 and thereafter his statement was also not recorded and charge-sheet came to be submitted based on the statement of witnesses when there is no eyewitness to the occurrence.

5. The Investigating Officer of the case, who is present in the Court, submits that petitioner has been implicated in the present case based on suspicion for the reason that his mobile was switched off from 08:47 p.m. on 30.12.2021 till 10:06 a.m. of 01.01.2022 and the informant alleges that his son was taken by the petitioner on 31.12.2021. He further submits that when the mobile of the petitioner was switched off on 30.12.2021 at that time his location was showing as Gaighat and



when his mobile was switched on, on 01.01.2022 at 10.06 a.m., the location was showing at Darbhanga as such it was presumed that petitioner for some motivated reason had switched off his mobile a day prior to the occurrence. He next submits that he took the charge of the case on 05.02.2023 and charge-sheet was submitted and the petitioner surrendered but then submits that the confessional statement of the petitioner was not recorded by taking him on remand. He also submits that charge-sheet has been submitted against unknown accused also.

6. Considering the aforesaid submissions and that the entire allegation hinges around suspicion, the petitioner, above named, is directed to 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 Court below where the case is pending in connection with S.Tr. No. 920 of 2023 arising out of Gayghat P.S. Case No. 02 of 2022.

7. One of the bailors of the petitioner shall be his father, namely, Meetaram Rai.

8. It is made clear that if the learned trial court comes to a conclusion that petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.



9. The personal appearance of the Investigating
Officer of the case is dispensed with.

(Satyavrat Verma, J)

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