

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51402 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- MUFFASIL District- West Champaran

Surenra Rai @Surenra Tiwari S/O Late Muni Rai @ Late Munni Rai R/O
Village Lalgah Ward No. 4, PS Bettiah (Muffasil) District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 201 and 34 of the IPC in connection with Bettiah (Muffasil) P.S. Case No.64 of 2024.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a senior citizen aged about 65 years.

4. It is further submitted that by order dated 13.08.2024 the case diary was called for, but the same till date has not been received. The Court will not wait endlessly for the case diary, thus proceeds to decide the case on merits.



5. The learned counsel submits that the informant alleges that he works as a labourer in Siwan and used to visit his house in 2-3 months, further on 02.02.2024, in his absence, the accused persons along with other accused came to his house and entered into an altercation with his wife and thereafter strangled her to death and with a view to conceal the evidence, disposed/ burnt her body near a canal.

6. The learned counsel for the petitioner submits that petitioner is not named in the FIR, and is father of the informant and he came to be implicated in the instant case based on his own confession, but then the learned counsel submits placing reliance on the confessional statement of the petitioner as recorded at para-23 of the case diary and submits that petitioner before the police never confessed that he killed the deceased or even participated, rather has stated that the deceased was having extra marital relation in absence of her husband with son of Bhairav Rai, on account of which at times there were disputes in between the family members of Bhairav Rai and his sons and the petitioner even tried to reason out with the deceased not to continue with the relationship, it is further submitted that he further states that Bhairav Rai disclosed that his daughter-in-law has been killed, accordingly he reached the place of occurrence



as he does not stay with his son i.e. informant, further the villagers said to cremate the body hence he participated in the cremation.

7. The learned counsel thus submits that by no stretch of imagination it can be construed that petitioner had confessed before the police that he was instrumental or participated in killing of the deceased. It is next submitted that petitioner is in custody since 06.02.2024, charge has been framed. It is also submitted that petitioner will not abscond, rather will cooperate in the trial to prove his innocence.

8. The learned APP for the State opposes the bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Muffasil) P.S. Case No.64 of 2024.

10. However, in the event if the learned trial court comes to a conclusion that petitioner after his released on bail is trying to delay the trial in any manner, the trial court



would be at liberty to cancel the bail bonds of the petitioner.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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