

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49877 of 2024

Arising Out of PS. Case No.-321 Year-2023 Thana- CHAKAI District- Jamui

Rajesh Beshra, Male, aged about 26 years, Son of Somara Besra, Resident of Village -Mohuilia P.S .-Chandramandih District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mala Sinha, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 08-10-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in a case registered for the offence punishable under Sections 302, 201 and 120(B)/34 of the Indian Penal Code.

3. As per allegation in the FIR, it is a case of murder of the mother of the informant.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case merely on the basis of suspicion. He next submits that FIR was lodged after a delay of two days without any sufficient explanation and there is no eye witness to the said occurrence. He further submits that according to postmortem report of the deceased the cause of death is C.R. failure and similarly situated co-accused has been granted bail by this Court in Cr. Misc. No. 19923 of 2024 vide order dated 26.04.2024. petitioner is in custody since



07.10.2023.

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

6. On perusal of the first information report, case diary and impugned order dated 30.01.2024, it appears that no eye witness of the alleged occurrence and only on the basis of suspicion, the name of the petitioner has been figured and on perusal of the postmortem report of the deceased, it appears that the cause of death is C.R. failure and similarly situated co-accused has been granted bail by this Court so, considering the above mentioned facts and circumstances of the case and submissions made by learned counsel for the parties, I am inclined to grant bail to the petitioner.

7. Accordingly, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jamui in connection with Sessions Trial No. 46 of 2024 arising out of Chakai P.S. Case No. 321 of 2023.

(Ramesh Chand Malviya, J)

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