

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54691 of 2024

Arising Out of PS. Case No.-386 Year-2023 Thana- DARAUNDA District- Siwan

Vikash Rathor @ Vikas Lathor @ Vikash Singh Rathor Son Of Late Parsuram Singh Lathaur @ Late Pasuram Singh Resident Of Village - Pakadi, P.S. - M.H. Nagar (Hasanpura), District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Daraunda (M.H. Nagar) P.S. Case No. 386 of 2023 instituted for the offence under Section 302 of the Indian Penal Code.

3. Prosecution case as emanated from the FIR is that nephew of the informant was murdered on 05-12-2023. It is alleged that petitioner along with others have killed her nephew.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25-04-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case that too on suspicion. There is delay of eleven days in lodging of the FIR. It is submitted that there is no eye witness to the occurrence. From perusal of the FIR, it appears there is no specific detail as to how the nephew of the informant was killed and only a vague suspicion has been raised towards the petitioner on the sole ground that he was friend of the deceased, with no material or motive to connect him. It is lastly submitted that police after investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No.2 of the case diary, it submitted that informant has raised suspicion against the petitioner regarding his involvement in the alleged occurrence.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner, taking into account the fact that there is no cogent material against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Daraunda (M.H. Nagar) P.S. Case No. 386 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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