

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54816 of 2024

Arising Out of PS. Case No.-242 Year-2021 Thana- KHAIRA District- Jamui

Daya Kishore Rabidas @ Daya Rabidas @ Sayaba @ Dayakishore Das S/o
Bhuneshwar Rabidas R/o vill - Chananwar, P.S. - Khaira, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-10-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Khaira P.S. Case No. 242 of 2021 registered for the
offence under Sections 364, 302, 120B, 201 and 34 of
the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 07.12.2023.

4. The allegation against the petitioner is to
commit murder of brother of the informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that the informant is not the eye
witness of the occurrence and moreover, the present



F.I.R. has been lodged after one month of the occurrence without having any explanation of delay. It has further been submitted that the present F.I.R. is the improved version and afterthought for the reason that father of the deceased also lodged F.I.R. for the same occurrence on 01.07.2021 i.e., Tisari P.S. Case No. 66/21 where no suspicion even raised against the petitioner. While concluding argument it is pointed out by learned counsel that one of the reason behind false implication of this petitioner is suspicion arising due to his criminal antecedent as he found involved in 17 cases. It is submitted that the details of all such cases are mentioned in para no. 3 of bail petition where petitioner already acquitted in cases which is mentioned from serial no. 1 upto serial no. 8 and therefore effectively only nine criminal cases are pending against this petitioner where he is on bail in two cases. It is submitted that the criminal antecedents cannot be the exclusive criteria as to reject the prayer of bail which otherwise convincing



with available merits.

6. Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded the fact that the present F.I.R. has been lodged after one month of the occurrence.

7. Considering the facts and circumstances as mentioned above and considering the contradictory versions of the F.I.R., where informant is not the eye witness of the occurrence, accordingly petitioner above named, is directed to be released on bail in connection with Khaira P.S. Case No. 242 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till



conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Sanju Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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