

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51772 of 2022

Arising Out of PS. Case No.-490 Year-2020 Thana- CHAPRA TOWN District- Saran

Vinod Kumar Rai @ Vinod Rai Son Of Arjun Rai Resident Of Village- Bara
Telpa, Taxi Stand, Chapra, Police Station- Chapra Town, District Saran At
Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 26-02-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with Chapra
Town P.S. Case No. 490 of 2020 corresponding to S. Tr. No. 01
of 2021 instituted for the offences under Sections 363,
364/120(B) of the Indian Penal Code.

3. In compliance to the earlier order of a Co-ordinate
Bench of this Court dated 29.01.2024, the learned Additional
District and Sessions Judge, IX, Saran at Chapra has sent its
report dated 05.02.2024, which is kept at flag-B.

4. From perusal of the aforesaid report, it appears that
out of total eight charge-sheet witnesses, three witnesses have
been examined till date and the trial will be concluded within a



period of eight months.

5. As per prosecution case, on 03.09.2020 at 7-8 PM, the co-accused person including the petitioner took the Informant's son with them for dinner party but, he did not return. Thereafter, on 05.09.2020, the co-accused Rahul Rai informed the Informant that his son has been killed.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. There is a delay of two days in filing the present F.I.R. without there being any explanation for delay. There is no eye-witness to the occurrence and the F.I.R. has been lodged mere on suspicion. Both the parties are residents of the same locality and due to enmity, the petitioner has been falsely implicated in the present case. He further submitted that on the date of occurrence, the petitioner had also sustained injury. The petitioner has three criminal antecedents and in all of them, he is on bail. The petitioner is languishing in judicial custody since 07.09.2020.

7. Learned counsel for the petitioner again submits that the co-accused Sonu Rai, Rakesh Rai and Arjun Rai have been granted bail by a Co-ordinate Bench of this Court vide order dated 16.09.2021 passed in Cr. Misc. No. 35701 of 2021.



8. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

9. Considering the entire facts and circumstances of the case and the rival submissions made on behalf of the parties as also perusing the case diary and the report sent by the court below, let the petitioner, abovenamed, 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 Chapra Town P.S. Case No. 490 of 2020 corresponding to S. Tr. No. 01 of 2021, subject to the conditions that;

(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)

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