

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69107 of 2024

Arising Out of PS. Case No.-177 Year-2024 Thana- MADHUBAN District- East Champaran

Vijay Rai @ Vijay Kumar Rai S/o Ram Balak Rai R/o Village- Kothiya, PS-
Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Madhuban (Garahiya) P.S. Case No.177 of 2024 for the offences punishable under Sections 302/34 of the Indian Penal Code lodged on 30.04.2024 by the informant, Rajendra Yadav.

3. As per the prosecution story, the petitioner was married to the informant's daughter in the year 2011 but on the fateful day, came to know about her death due to strangulation. Accordingly, the FIR.

4. Learned counsel for the petitioner has drawn attention of this Court to the postmortem report, according to which, the cause of death is asphyxia due to hanging.

5. Learned APP opposes the prayer submitting that the petitioner is the husband.

6. Though the petitioner is the husband, the fact



remains that the opinion has been recorded as asphyxia due to hanging, the petitioner has got no criminal antecedent, has remained in custody since 02.05.2024 (para-11 of the petition), learned counsel for the petitioner has undertaken that the petitioner will be diligently appearing in the trial, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran at Motihari/the court concerned in connection with aforesaid PS Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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