

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82566 of 2023

Arising Out of PS. Case No.-887 Year-2019 Thana- BANKA District- Banka

Upendra Rai Son Of Late Kailash Rai Resident Of Village- Kenua Tikar, P.S.-
Barahat, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.T. No. 395/2023 (Arising out of Barahat P.S. Case No.
887/2019) lodged on 10.12.2019 under Section 364/302/34 of
the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against the sole petitioner alleging therein that he has
killed the daughter of the informant and hanged her body on a
tree.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is the brother of the son-in-law of the informant and
he was caught talking with the deceased on 08.12.2019.



Thereafter, the petitioner was asked to leave the house and the petitioner left the house. Counsel further submits that the dead body of the deceased was recovered on 10.12.2019. Case diary has been called for in this case and in the case diary only suspicion has been raised against him and there is no cogent material found against the petitioner. The cause of death has been shown as due to hanging. The FSL report has come indicating therein that the poisoning etc were not found on the person of the deceased. The petitioner is in custody since 05.02.2023 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware of the fact whether the charge has been framed or not.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V,



Banka, subject to the conditions as laid down under Section
437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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