

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83039 of 2023**

Arising Out of PS. Case No.-503 Year-2023 Thana- AMARPUR District- Banka

Sudhir Rai @ Surendra Kumar Rai @ Surendra Kumar Ray, Son Of
Chunchun Rai R/O Village- Kedia, P.S.- Fullidumar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Malendu, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 19-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Amarpur (Fulidumar) P.S. Case No. 503 of 2023, lodged on
15.07.2023 under Sections 302, 34 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against six named accused persons including the present
petitioner against whom there is an allegation that they have
killed the informant's husband by a sharp cutting weapon due to
a land dispute.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that in the FIR itself, it is clear that the informant is



not the eye-witness, and rather on suspicion, the name of all accused persons have been figured in this case. Counsel submits that there is general and omnibus allegation against all the accused persons. Counsel further submits that other similarly situated persons has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 09.11.2023 passed in Cr. Misc. No. 72925 of 2023.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is clean and he is in custody since 02.09.2023 in the present case. Counsel submits that the charge-sheet has already been filed in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that case diary has been called for *vide* order dated 10.01.2024. In the case diary in paragraph no.9, 10, 35 and 36, all witnesses statement given to the police have supported the case of the prosecution.

7. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that he is not sure that whether charge has been framed or not.

8. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above**



named be granted 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 Chief Judicial Magistrate, Banka in connection with Amarpur (Fulidumar) P.S. Case No. 503 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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