

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82428 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- GANGABRIDGE District- Vaishali

1. Mamta Devi W/O Uday Rai R/O Mohalla- Gaddhapar, Patan Devi, P.S- Alamganj, Distt.- Patna.
2. Uday Rai S/O Late Lalbabu Rai R/O Mohalla- Gaddhapar, Patan Devi, P.S- Alamganj, Distt.- Patna.
3. Manshi Kumari @ Munshi Kumari @ Shivani Kumari D/O Uday Rai @ Uday Kumar R/O Mohalla- Gaddhapar, Patan Devi, P.S- Alamganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhu Prasun, Adv. Mr. Jitendra Kuamr, Adv. Mr. Himanshu Shekhar, Adv. Mr. Gulfeshan, Adv.
For the Opposite Party/s :		Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Gangabridge P.S. Case No. 154 of 2023, lodged on 19.07.2023 under Sections 365, 364, 302, 201, 120(B), 34 of the Indian Penal Code.

3. As per the prosecution case, the case of commission of abduction and thereafter committed murder of the informant's brother is there in the FIR.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. Counsel also submits that the petitioners are not named in the FIR and the name of petitioner no.1 has come by virtue of confessional statement of one Kashinath Ray who has disclosed that the deceased has been called by the petitioner no.1 otherwise, against petitioner nos.2 and 3, there is absolutely no allegation at all in the confessional statement. Counsel further submits that criminal antecedent of the petitioner nos. 2 and 3 are clean, but criminal antecedent of the petitioner no.1 is not clean and there is only one criminal case pending against him. The petitioners are in custody since 28.07.2023. Counsel submits that the petitioners are ready to fulfil all the conditions whatsoever shall be imposed upon them.

5. Learned counsel for the petitioners submit that similarly situated persons have been granted bail by the co-ordinate bench of this Court *vide* orders dated 13.12.2023 and 10.01.2024 passed in Cr. Misc Nos. 79093 of 2023 and 85274 of 2023 respectively. Counsel further submits that charge-sheet has already been filed in this case.

6. Learned APP for the State and learned counsel for the informant vehemently opposes the prayer for bail of the petitioners and submits that there is a confessional statement of



one Kashinath Ray that the petitioner no.1 has killed Jai Prakash Rai (deceased) with the help of the petitioners.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioners 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, Vaishali at Hajipur in connection with Gangabridge P.S. Case No. 154 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

8. However, the petitioner no.1 shall be granted bail only on being satisfied by the Trial Court that he is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Alamganj P.S. Case No. 332 of 2014.

(Dr. Anshuman, J.)

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