

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85785 of 2023

Arising Out of PS. Case No.-359 Year-2021 Thana- RIVILGANJ District- Saran

Mukhilal Rai @ Mukhilala Rai S/O Lal Bahadur Rai R/O Village- Sengar
Tola, P.S- Rivilganj, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Adv.
For the Opposite Party/s : Mr.Sucheta Yadav, APP

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

ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was dismissed as withdrawn vide order dated 21.02.2023 passed in Cr. Misc. No. 52280 of 2022.

3. The petitioner seeks bail in connection with Rivilganj P.S. Case No. 359 of 2021 instituted for the offences under Section 302, 201/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he along with other family members killed the daughter of the Informant/deceased and, thereafter, concealed the dead body.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the husband of the deceased. He further submits that the deceased has died her natural death and, thereafter, in presence of several co-villager including the husband of the Informant, her dead body was cremated. The petitioner has also tried to save the life of the deceased but, she died. The Informant is not the eye-witness to the occurrence. Compromise petition has also been filed before the learned Judicial Magistrate, 1st Class, Saran. There is no specific and direct allegation against the petitioner rather the same is omnibus and general in nature. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 29.09.2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature. The Informant in her re-statement has fully supported the case of the petitioner and, thus, the petitioner does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail after framing of charge, if already not framed, 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 Rivilganj P.S. Case No. 359 of 2021, subject to following conditions;

(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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