

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34 of 2024

Arising Out of PS. Case No.-205 Year-2022 Thana- KHAIRA District- Saran

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Birendra Rai, Son of Sakaldeo Rai, Resident of Village and P.O.-Bhorahan,
P.S. Panapur, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 19-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Khaira P.S. Case no. 205 of 2022 registered under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that his son used to work as a driver. He received information about his son having been murdered. On going near the place of occurrence he identified the dead body of his son.

4. Learned counsel for the petitioner submits that the FIR was registered against unknown. The petitioner was falsely implicated in the case in course of investigation. The only material against him is the confessional statement of co-accused Sachin Rai made before police. In reference to the statement



made in paragraph no.6 of this petition it is submitted that the present petitioner though carrying the name of Birendra Rai is the maternal uncle of Soni Kumari and is not the father of co-accused Sachin Rai. It is submitted that Sachin Rai had gone to assault Kundan Kumar (deceased son of the informant) for the reason that the girlfriend of Sachin Rai was subsequently having an affair with the said Kundan Kumar. Even accepting this story of co-accused Sachin Rai, it is submitted that the maternal uncle of Soni Kumari ie the petitioner herein would have no reason to participate in the occurrence with the said Sachin Rai. The petitioner is in custody since 20.9.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, statement of the petitioner in paragraph no.6 of the petition together with the petitioner having remained in custody for more than 5 months since 20.9.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Khaira P.S. Case no. 205 of 2022, on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Saran at Chapra.

(Partha Sarthy, J)

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