

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72088 of 2025

Arising Out of PS. Case No.-140 Year-2023 Thana- JANDAHA District- Vaishali

Subodh Rai S/O Hem Narayan Rai Resident of Village- Fatehpur Pakari,
Piroi, P.S.- Mahua, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Shankar Prasad, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 14.05.2023 in connection with Jandaha P.S. Case No. 140 of 2023 for the offences punishable under Sections 302, 120(B) and 34 of the IPC.

3. That the prosecution case, in brief, is that one Rajbanshi Devi on 09.05.2023 at 10.00 AM, her youngest son namely Sudhir Rai along with her elder son Sunil Rai and one Subodh Rai left home to the house of her daughter Indu Devi. They all reached there at 11 Clock from there, at 2 'O' Clock, they all went to village Bhadwas for negotiation of marriage of her niece. It is further alleged that at 02.30 P.M., all the three left village Bhadwas to return back on a motorcycle but only her



eldest son Sunil and Subodh returned home on the motorcycle, when they were asked about Sudhir, both of them did not say anything. She tried to contact Sudhir over his mobile but the mobile was switched off. It is further alleged that Baby Kumari wife of Sunil { her son) used to threaten her in course of quarrel that they would get Sudhir killed. Soon after the marriage, Baby Kumari started living separately with her husband and she (Informant) was residing with Sudhir and as such they were annoyed. It is also alleged that on 10.05.2023, at 2 PM she knew about the death of her son (Sudhir) through the mobile of the people. He was killed at Jagdishpur and the dead body was kept at Sadar Hospital. They reached at the Hospital, identified and thereafter, funeral was done. She believed that her son Sunil Rai, daughter in law Baby Kumari and Subodh Rai have conspired and killed her son Sudhir Rai by cutting his throat with sharp cut weapon and with the help of other unknown persons who tried to conceal the dead body.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. Learned counsel for the petitioner submits that earlier the prayer for bail was rejected *vide* order dated 31.07.2024 in Cr. Misc. No. 17624 of 2024.



Learned counsel for the petitioner further submits that petitioner is in custody 14.05.2023 and the trial has not been progressed.

5. *Vide* order dated 17.02.2026, report was called for with regard to the stage of the trial. The report dated 27.02.2026 of the learned trial court reveals that out of ten charge-sheet witnesses, only one witness has been examined and case is pending for the rest nine prosecution witnesses. Learned counsel for the petitioner submits that in view of the report of the learned trial court the trial will not be concluded in the near future and the petitioner is in custody since 14.05.2023 having clean antecedent.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances as well as the report of the trial court and also the fact that petitioner is a person with clean antecedent and is in custody since 14.05.2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 140 of 2023, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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