

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34801 of 2016

Arising Out of PS.Case No. -235 Year- 2015 Thana -BARGANIA District- SITAMARHI

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Birendra Rai @ Kaila , son of Late Harischandra Rai R/o village Chamra
Godam Road, Ward No. 15, Bhakurahar, P.S. Bairginia District Sitamarhi
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 22-08-2016 Heard Sri Ashok Kumar Jha, learned counsel for the
petitioner and Sri Akshay Lal Pandit, learned A.P.P.

The sole petitioner who is in custody in Bairginia P.S. Case No. 235 of 2015 registered for the offence under section 302/ 34 of the Indian Penal Code , has prayed for grant of bail mainly on the ground that one of the co -accused having similar accusation has already been granted bail vide order dated 19.2.2016 passed in Cr. Misc. No. 8025 of 2016. It was further argued that in the F.I.R. though the informant had alleged that her husband was brutally assaulted by the petitioner and his co-accused wife, during post- mortem no external or internal injury was found. He has referred to Annexure – 2 to the petition i.e. photo copy of the post - mortem examination report of the deceased.

Learned A.P.P. has opposed the prayer of bail.

However keeping in view the fact that wife of the petitioner who was also made accused in this case , having similar accusation like the petitioner has already been granted bail by this court vide order dated 19.2.2016 in Cr. Misc. No. 8025 of 2016 as well as allegation and report of the post -mortem examination the court is of the opinion that it is a fit case for grant of bail.

Let the petitioner Birendra Rai @ Kaila be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi / concerned court in connection with Bairginia P.S. Case No. 235 of 2015.

(Rakesh Kumar, J)

Praful/-

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