

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46954 of 2015

Arising Out of PS.Case No. -200 Year- 2014 Thana -PATORI District- SAMASTIPUR

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KUNDAN RAI @ KUNDAN KUMAR RAI @ KUNDAN KUMAR Son
of Gajendra Rai @ Nanhki Rai Resident of Village - Dakshini Dhamoun,
Tola Madhopatii, P.S.-Patori, Dist.-Samastipur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Adv.

For the Opposite Party/s : Mr. Sunil Kr.Panday(App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 18-02-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner is accused in connection with Patori P.S.
Case No. 200/2014 registered under Sections 302, 201, 34 of the
Indian Penal Code.

The prosecution case is that the husband of Gita Devi
had gone in the evening of 06.07.2014 at pond for shaving where
the petitioner and one Harendra Rai made demand of money for
taking liquor but her husband refused to give the same, due to that
reason her husband was assaulted by knife and after his death he
was thrown in the well. Thereafter, on the voice of Raja Kumar,
grandson of Jaleshwar Rai, people reached there and dead body
was recovered.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the FIR and the case diary that there is no eye-witness of the occurrence, while there is allegation of causing injury through knife at the neck of the deceased, but in the post-mortem report only one lacerated wound was found below the chin in middle part and cause of death has not been ascertained in the post-mortem report. The petitioner being the co-villager has falsely been implicated in this case on mere suspicion and the petitioner is in custody since 13.07.2015.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to 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 learned Chief Judicial Magistrate, Samastipur in connection with Patori P.S. Case No. 200/2014. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J.)

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