

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59394 of 2018

Arising Out of PS. Case No.-94 Year-2018 Thana- PATORI District- Samastipur

Prem Kumar S/o Kameshwar Rai, R/o Vill.- Shahpur Brant Tola, Barka Beri,
P.S.- Patori (Mohanpur O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 20-11-2018 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in Patory (Mohanpur O.P.)

P.S. Case No. 94 of 2018 instituted for the offence under

Sections 201, 302, 323/34, 341 and 379 of the Indian Penal

Code.

Counsel for the petitioner submits that petitioner is

Bhainsur of the informant.

The Prosecution case briefly stated in *Fard-e-beyan*

of Nitu Devi is that on 6.4.2018 at 8:00 p.m. while quarrel

between husband of the informant and her *Bhaisur* Prem

Kumar was going on in her house, her mother-in-law, her

Dewar Chandan Kumar, her father-in-law Kameshwar Rai,

came there and all the accused persons started assaulting her



husband Heman Rai with bricks, as a result of which he fell down. It is alleged by the informant that she was also assaulted by her mother-in-law Fulo Devi and her Gotani Kanchan Devi, as a result of which, she became unconscious. It is alleged that when she regain consciousness, she found that accused persons have killed her husband Heman Rai and carried the dead body of her husband somewhere else by Tempo.

As such, from the written report itself it appears that informant has become unconscious and when she regained consciousness, she found her husband dead. She is not an eye witness of the occurrence.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. 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 learned Chief Judicial Magistrate, Samastipur, in connection with Patory (Mohanpur O.P.) P.S. Case No. 94 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioner.

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(Sanjay Priya, J)

