

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55210 of 2018

Arising Out of PS.Case No. -63 Year- 2018 Thana -GARKHA District- SARAN

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1. Naresh Rai S/o Late Devi Rai @ Devilal Rai, R/o Vill.- Mahamda Mangal Tola, P.S.- Garkha, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.55498 of 2018

Arising Out of PS.Case No. -63 Year- 2018 Thana -GARKHA District- SARAN

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1. Udit Kumar Rai @ Udit Rai S/o Chulhan Rai, R/o vill.- Mahamda Mangal Tola, P.S.- Garkha, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.55210 of 2018)

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate.

For the Opposite Party/s : Smt. Anita Kumari, A.P.P.

(In Cr.Misc. No.55498 of 2018)

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 10-10-2018 Heard learned counsel for the petitioners, counsel for the informant and the State.

The petitioners seeks bail in Garkha P.S. Case No. 63 of 2018 instituted for the offence under Sections 302/34 of Indian Penal Code.

In the written report it is alleged that petitioners along



with Arun Rai took the husband of the informant on Motorcycle to Chapra and he did not return till night. The informant heard in the morning that her husband has been seriously injured on account of assault and police has taken him to Sadar Hospital, Chapra, for treatment. The informant went to Sadar Hospital, Chapra, along with her family members and found her husband lying dead. There was sign of injuries of cut mark of sharp cutting weapons on his neck and other parts of the body. The informant has raised suspicion that petitioners have committed murder of husband of the informant on account of transaction of money. It is further alleged that four days prior to the occurrence the husband of the informant had gone to the house of Arun Rai for demanding Rs.50,000/- which was due on him. Thereafter, all the accused persons had come to her house to assault the deceased.

Counsel for the petitioner submits that besides suspicion there is no allegation of any specific overt act against the petitioners. Counsel for the petitioners further submits that in the written report the informant has alleged that there was dispute of money transaction with Arun Rai.

Counsel for the informant has appeared and opposed the prayer for bail.

From the First Information Report and case diary it



appears that there is no specific allegation against the petitioners.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Saran at Chapra (in Cr. Misc. 55210 of 2018 and learned Sessions Judge, Saran at Chapra (in Cr. Misc. 55498 of 2018), in connection with Garkha P.S. Case No. 63 of 2018, giving rise to Sessions Trial No. 412 of 2018, subject to the condition that both the bailors will be close relatives of the petitioners.

(Sanjay Priya, J)

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