

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77412 of 2018

Arising Out of PS. Case No.-28 Year-2018 Thana- KALYANPUR District- Samastipur

Baidyanath Rai S/o Gunjan Rai @ Gujo Rai @ Gulab Rai, R/o Village-
Purnahi, P.S.- Warishnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2193 of 2019

Arising Out of PS. Case No.-28 Year-2018 Thana- KALYANPUR District- Samastipur

Naresh Rai Late Kishori Rai Vill-Rambhadrapur, P.S-Kalyanpur, Distt.-
Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 77412 of 2018)

For the Petitioner/s : Mr. Nagadeo Choubey

For the Opposite Party/s : Mr. Khurshid Anwar

(In CRIMINAL MISCELLANEOUS No. 2193 of 2019)

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Surendra Kumar (App190)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-03-2019 Heard learned counsel for the petitioners and the

learned counsel for the informant as well as the learned A.P.P.

for the State.

The petitioners seek bail in Kalyanpur P.S. Case No.

28 of 2018, G.R. No. 368 of 2018 instituted for the offences

under Sections 363, 365/34, 120B, 302 of the Indian Penal



Code.

Learned counsel for the petitioner has submitted that the husband of the informant himself has criminal antecedent.

In the written report it is alleged that petitioner Baidyanath Rai along with Mukesh Mahto came to the door of the informant on motorcycle and called the name of the husband of the informant. Husband of the informant came to the door and thereafter Naresh Rai and Baidyanath Rai forcibly got him sit on the motorcycle and took him away. Thereafter, dead body of the husband of the informant was recovered.

Learned counsel for the petitioners submits that the dead body of husband of informant has been recovered on the basis of confessional statement made by Baidyanath Rai petitioner of Cr. Misc. No. 77412 of 2018. There is no any specific allegation of overt act against the petitioner of Cr. Misc. No. 77412 of 2018. He has been alleged to be the person who has taken the husband of the informant along with Naresh Rai.

Case diary has been received. Post-mortem report is available in the case diary, wherein, doctor has opined two injuries on the person of injured.

It has further been stated that several persons have assaulted the deceased.

Considering the aforesaid fact and circumstances, prayer



of the petitioners for grant of bail 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 the learned Sub Divisional Judicial Magistrate, Samastipur, in connection with Kalyanpur P.S. Case No. 28 of 2018, G.R. No. 368 of 2018. Both the bailors will be close relative of petitioners.

(Sanjay Priya, J)

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