

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38158 of 2019**

Arising Out of PS. Case No.-31 Year-2019 Thana- AHYAPUR District- Muzaffarpur

1. Suraj Rai Son of Shankar Rai Resident of Village Chandan Bhakri, P.S. Ahiyapur, District- Muzaffarpur.
2. Raj Kumar Rai @ Raj Kumar son of Late Shivji Rai Resident of Village- Fatehpur, P.S. Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Pravin Kumar, Advocate Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 04-09-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners who are in custody since 28.01.2019 have filed the instant application for grant of bail in connection with Ahiyapur P.S. Case No. 31 of 2019 registered for the offence punishable under sections 302, 328, 201 and 34 of the Indian Penal Code.

As per the allegation in the FIR, it is alleged that the son of the informant went on a motorcycle along with Jai Shankar Kumar and petitioner no. 1. It is further stated that at around 8.00 P.M. the two petitioners brought the son of the informant



on their motorcycle who was in unconscious state, they laid him down and went away. The son of the informant was taken to the hospital where the doctor declared him dead.

It is submitted by learned counsel for the petitioners that in the postmortem examination of the deceased no ante mortem injuries were found and the viscera has been preserved for chemical analysis. It is further submitted that the co-accused Jai Shankar Kumar who is also named in the FIR has been enlarged on bail by order dated 20.08.2019 passed in Cr. Misc. No. 39109 of 2019, the petitioners have no criminal antecedent and are in custody since 28.01.2019.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the co-accused has been enlarged on bail, there is no ante mortem injuries in the post-mortem examination, the petitioners have no criminal antecedent and they are in custody since 21.08.2019, the Court is inclined to enlarge the petitioners on bail. Let the petitioners, above named, be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate 1st Class, Muzaffarpur in connection with Ahiyapur
P.S. Case No. 31 of 2019.

(Partha Sarthy, J)

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