

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38977 of 2019

Arising Out of P.S. Case No.-24 Year-2019 Thana- RAJAPAKAR District- Vaishali

1. RAKESH RAI, aged about 31 years, Male, Son of Raghunath Rai Resident of Village - Pachai Jagdish, P.S.- Rajapakar, Dist.- Vaishali.
2. Naresh Rai, aged about 45 years, Male, Son of Brahmdeo Rai Resident of Village - Pachai Jagdish, P.S.- Rajapakar, Dist.- Vaishali.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Satya Prakash Sinha, Advocate
For the Opposite Party : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State and perused the case diary.

The petitioners are apprehending their arrest in connection with Rajapakar P.S.Case No.24 of 2019 pending in the Court of CJM, Vaishali at Hajipur registered for the offence punishable under Sections 302 and 120B/34 of the Indian Penal Code.

As per prosecution case, the informant was sleeping in his *Dalan* and his brother Yugeshwar Rai was sleeping in the room without window and door of his *Dalan* situated side by side. At about 2 O' clock, the informant heard the sound of



screaming, then he came out from his *Dalan* and saw that the petitioners and other co-accused persons were fleeing from the room of his brother and thereafter the informant went in the said room and found his brother lying dead.

It is submitted on behalf of the petitioners that the petitioners have falsely been implicated in this case because of the fact that petitioners had purchased piece of land from the first wife of the deceased and as a matter of fact, the deceased had two wives and family dispute is going on between the two wives of the deceased as a result of which, the petitioners have been made accused in this case by the informant. Petitioners have got clean antecedent.

In the facts of the case, provisional bail granted to the above named two petitioners vide order dated 15.07.2019 is hereby confirmed.

(Prabhat Kumar Singh, J)

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