

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44364 of 2019

Arising Out of PS. Case No.-63 Year-2017 Thana- BARABAR TOURIST District- Jehanabad

1. YODHA MISTRY Son of Late Shyam Mistry Resident of Aaripur, P.S.- Barabar Paryatak, District- Jehanabad.
2. Anil Mistry Son of Yodha Mistry Resident of Aaripur, P.S.- Barabar Paryatak, District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in connection with Barabar Paryatak (Bishunganj O.P.) P.S. Case No. 63 of 2017 registered for the offence punishable under section 302 and 34 of the Indian Penal Code.

As per allegation in the FIR, the accused persons including these two petitioners are said to have assaulted the husband of the informant by fists and lathi. It is further submitted that accused persons tried to administer poison but the husband of the informant refused to take the same. As a result of assault, the husband of the informant died. The accused



persons made an attempt to take away the dead body, but due to arrival of villagers, they could not succeed as a result of which they fled away leaving the dead body.

It is submitted by learned counsel for petitioners that from perusal of the postmortem report of the deceased, it would transpire that no external injury has been found on the body of the deceased and, as such, the postmortem report does not support the allegations as made in the FIR. It has further been submitted that the case of the petitioner stands on similar footing to that of the co-accused Ashok Mistri, who has been granted bail vide order dated 27.09.2019 passed in Cr. Misc. No. 43016 of 2019. The petitioners are in custody since 18.03.2019 and have no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the postmortem report as also the bail granted to the co-accused, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned Judicial Magistrate, 1st Class,
Jehanabad in connection with Barabar Paryatak (Bishunganj
O.P.) P.S. Case No. 63 of 2017.

(Partha Sarthy, J)

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