

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80127 of 2019

Arising Out of PS. Case No.-142 Year-2018 Thana- KALYANPUR District- Samastipur

MUNCHUN RAI Son of Laxman Rai Resident of Village - Kishanpur, P.S.-
Warishnagar, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-06-2020 The petitioner seeks bail in connection with

Kalyanpur P. S. Case No. 142 of 2018 dated

02.09.2018 instituted for the offences under Sections

302 and 34 of the Indian Penal Code.

It has been alleged in the F.I.R. that because of

the deceased, a bachelor person, having bequeathed the

property belonging to him to the informant, the nephew

of the deceased and his brother-in-law assaulted the

deceased leading to his death.

Learned counsel for the petitioner has

submitted that an absolutely a false and concocted case

has been lodged against the petitioner and another. The



other accused person who is the nephew of the deceased has been granted bail by a Bench of this Court in Cr. Misc. No. 1915 of 2020.

Learned counsel for the petitioner has also drawn the attention of this Court to Annexure- 3 which is a statement made by the informant in which he has stated that co-accused Arun Rai is the cousin of the informant and there is partition in the family from before. The uncle of the informant who is the deceased in this case was unmarried and had renounced the material world and had become a recuse. A temple was constructed by him near the ancestral house.

It has been stated that because of some dispute, an occurrence took place in which the informant and co-accused Arun Rai fought amongst themselves. Later, it was found that the deceased was lying unconscious on the Verandah of the temple.

The informant was later informed by the villagers that on seeing Arun Rai fighting with the



informant, the deceased went to their rescue but fell down leading to injuries on his head.

Considering the afore-stated aspects of the matter as well as the period of custody of the petitioner, which is from 18.09.2019 and the fact that co-accused / Arun Rai having similar allegation has been granted bail by a Bench of this Court, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P. S. Case No. 142 of 2018 / G.R. No. 2104 of 2018.

(Ashutosh Kumar, J)

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