

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33415 of 2022

Arising Out of PS. Case No.-474 Year-2021 Thana- GOPALPUR District- Patna

1. SHASHI RAI
2. Ritesh Rai
Both are sons of S/o Sri Bhagwan Rai R/o village- Bairiya, P.S.- Gopalpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No. 2, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 302 and 34 of the Indian Penal Code.

Prosecution case as per the written report of the informant is that he was inquiring U.D. Case No. 4 of 2021 dated 02.08.2021 the written complaint of which was filed by Rishu Kumar @ Ajay Kumar in respect of death of his sister namely Ravita Devi W/o Late Pinku Rai. He has further alleged



that during course of inquiry he received the postmortem report of deceased in which the cause of death has been found as asphyxia due to pressure over the neck. Ligature mark was also found on her neck. It is also alleged that besides this the witnesses also told about commission of murder of the deceased by mother-in-law, Bhainsur and Gotni. It is further alleged that after supervision by the Circle Inspector, Punpun of the U.D. Case, the FIR of this case in respect of murder of the deceased was instituted.

Learned counsel appearing for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that in fact the petitioners are brother-in-law of the deceased and the brother of the deceased has already filed U.D.Case No.04 of 2021 and he clearly stated that his sister has committed suicide. Further submits that, during investigation, on the basis of the postmortem report it has been found that the cause of death by asphyxia due to pressure over the neck. Further submits that in pursuance of the supervision report in U.D.Case, the present FIR has been instituted by the police. He further submits that the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 15.03.2022.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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 court below where the case is pending in connection with Gopalpur P.S.Case No. 474 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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