

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62934 of 2021

Arising Out of PS. Case No.-194 Year-2021 Thana- GORAUL District- Vaishali

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1. BINDESHWAR RAI S/o- Late Ganga Rai Resident of village - Rampur Dumari, P.S.- Goraul (O.P. - Katahara), District - Vaishali.
 2. Pankaj Rai S/o- Bindeshwar Rai Resident of village - Rampur Dumari, P.S.- Goraul (O.P. - Katahara), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-03-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceedings.

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

Learned counsel for the petitioners submits that the
petitioners are in custody since 06.07.2021, are persons with
clean antecedent and charge-sheet has been submitted in the
case.

Learned counsel for the petitioners submits that the
informant alleges that on 06.05.2021 at 8:00 pm, accused
Hulash Sahni called the informant's husband (deceased) for
fishing in the pond of Bindeshwari Ray and during fishing



accused persons including the petitioner killed her husband by drowning due to enmity and the informant came to know about the occurrence on 07.05.2021 at 8:00 am.

Learned counsel for the petitioners submits that from bare perusal of the allegations as alleged in the F.I.R. it would manifest that the informant is not an eye-witness to the occurrence, the entire allegation is based on suspicion, though it is alleged in the F.I.R that the husband of the informant was killed on account of previous enmity but nothing in the F.I.R. has been even suggested remotely that what kind of enmity was prevailing between the deceased and the accused persons. Learned counsel further submits that if the deceased had any apprehension that Hulash Sahni may get him in trouble then definitely he would not have accompanied him. It is further submitted that the death was due to drowning and the deceased was drunk and as such slept while fishing, even the postmortem report also records asphyxia due to drowning in water, it is thus submitted that in totality, the entire allegation hinges around suspicion without there been any eye-witness to the occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in



custody, charge-sheet has been submitted in the case, the petitioners are persons with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioners, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor court in connection with Goraul (O.P. Katahara) P.S. Case No. 194 of 2021.

(Satyavrat Verma, J)

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