

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63877 of 2021

Arising Out of PS. Case No.-201 Year-2021 Thana- SARAI District- Vaishali

1. MUNNA KUMAR, Son of Laxman Sah Resident of Village - Bhakurahar Shital, P.S.- Sarai, District - Vaishali
2. Raj Kumar @ Raj Kumar Sah, Son of Laxman Sah Resident of Village - Bhakurahar Shital, P.S.- Sarai, District - Vaishali
3. Mantun Kumar, Son of Shankar Sah Resident of Village - Bhakurahar Shital, P.S.- Sarai, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Sarai
Case No. 201 of 2021 instituted for the offences under Sections
302/34 of the Indian Penal Code.

Learned counsel for the petitioners submit that the
petitioners are in custody since 25.07.2021, are persons with
clean antecedent and charge-sheet has been submitted and the
informant alleges that he along with his sister and brother Suraj
(deceased) came to the matrimonial home of his brother for
celebrating the birthday of his nephew, further an alarm was



raised that wife of Suraj received electric shock, on which Suraj forbade his wife for going anywhere and asked her to sit at one place, on which her wife started abusing him on which he slapped her, which in raised the named accused persons including the petitioner who strangled Suraj Kumar to death.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, informant is not an eye-witness to the occurrence further the post-mortem report does not even remotely support the allegation as alleged in the FIR, rather the post-mortem report records that the cause of death was due to cardiac arrest and further no external injury was found on the body of the deceased except a scratch on the leg.

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 since 25.07.2021, charge-sheet has been submitted in the case, and petitioners are a person with clean antecedent and the informant is not an eye-witness to the occurrence as well as post-mortem report does not corroborate the allegation as alleged in the FIR, 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 Additional Chief Judicial Magistrate- XVI, Vaishali at Motihari in connection with Sarai P.S. Case No. 201 of 2021.

(Satyavrat Verma, J)

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