

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4993 of 2023

Arising Out of PS. Case No.-191 Year-2019 Thana- SAKRA District- Muzaffarpur

1. RAM KUMAR RAI Son of Surajdev Ray R/v- Abdulpur, P.S.- Sakra, District- Muzaffarpur
2. NAGENDER KUMAR @ NAGENDER RAI Son of Late Chandeshwar Rai R/v- Shambhunathpur Dholi, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2023 Heard Mr. Ajay Kumar Thakur, learned counsel
for the petitioners and Mr. Md. Fahimuddin, learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
29.08.2022 in connection with Sakra P.S. Case No. 191 of
2019, F.I.R. dated 01.05.2019 for the offences punishable
under Sections 302, 328 of the Indian Penal Code.

According to prosecution case, in brief is that one
Juli Kumari lodged written report dated 01.05.2019 alleging
therein that she got marriage in the year 2013 and she has
two small kids. After one year of marriage her husband
became addicted to alcohol. Several times the people of her
Naihar as well as of her society tried to counsel her husband



but he did not change his behaviour. Since last 6-7 days she was staying in her Maika and the informant received the information on her father's mobile from her village that her son-in-law has died. Thereafter her father alongwith herself and her two kids came to her house and on reaching and seeing the occurrence she fell unconscious.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that petitioners have neither named in the F.I.R. nor any motive have been assigned for committing crime in question. He further submits that as per allegation as alleged in the F.I.R. that the petitioners and other co-accused persons has given poison to the deceased but the postmortem report of the deceased does not support the allegation as alleged in the F.I.R. and the postmortem report suggest that the injury cause by hard and blunt object, which is quoted herein below:-

“Postmortem exam done over this dead body and following ante-mortem injuries were found :-

- i. Blackning around Lt. eye and swelling around the same eye.
- ii. Brain around the Lt. ear
- iii. Bleeding from nose.



iv. One cut injury of 1"x skin deep over Lt. wrist Jt.

v. On opening the skull cavity there was subdural hemotoma over Lt. temporal region. There subdural hemorrhage over Lt. temporal painful region.

Opinion :- The deceased died due to hemorrhage coma and shock due to the above noted injuries caused with hard and blunt object."

He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 29.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate-IV, Muzaffarpur in connection with Sakra P.S. Case No. 191 of 2019, subject to 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 bond 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.

3. 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 antecedent, 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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