

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7380 of 2023

Arising Out of PS. Case No.-135 Year-2019 Thana- AURAI District- Muzaffarpur

KAILASH RAY S/o Upendra Ray R/o village- Fatehpur Barauna, P.S.- Aurai,
Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 341, 323, 325, 307, 302, 354/34 of the Indian Penal Code.

As per allegation in the FIR, the petitioner and co-accused Akalu Rai are said to have assaulted the sister of the informant leading to her death. During treatment at SKMCH, informant's niece also died subsequently.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Petitioner is husband of the deceased. The informant is not an eye witness to the occurrence and no witness has supported the allegations as levelled in the FIR, in course of investigation. After hot



exchange between the husband and wife, wife (deceased) herself consumed poison and she also gave the same to her daughter. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 65490 of 2021.

The application for bail is opposed by learned APP for the State and submitted that it is a case of dual murder.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 16th, Muzaffarpur in connection with Aurai P.S. Case No. 135 of 2019.

(Sunil Kumar Panwar, J)

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