

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31993 of 2023

Arising Out of PS. Case No.-8 Year-2019 Thana- AHYAPUR District- Muzaffarpur

VIKASH RAI @ VIKAU RAI Son of Badri Rai Resident of Village -
Jahangirpur, P.S.- Ahiyapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40591 of 2023

Arising Out of PS. Case No.-8 Year-2019 Thana- AHYAPUR District- Muzaffarpur

BINDESHWAR RAI @ BINDA RAI @ VINDESHWAR RAY Son of Dobhi
Rai Resident of village-Jahangirpur, P.S.-Ahiyapur, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31993 of 2023)

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Suresh Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 40591 of 2023)

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a
case instituted for the offence under Sections 304/34 of the
Indian Penal Code.

3. The allegation against the petitioners along with



another is of taking away the husband of the informant on false pretext and brutally assaulted, which leading to his death.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. Petitioner namely, Vikash Rai @ Vikau Rai (in Cr.Misc. No. 31993 of 2023) is not named in the FIR. Informant is not an eye-witness and on saying by the deceased during treatment, the name of the petitioners have come into light. He submitted that the deceased entered into the house of the petitioner namely, Bindeshwar Rai @ Binda Rai and tried to outrage the modesty to her daughter. As a result of which the daughter of the petitioner started shouting loudly and the deceased started fleeing away and was caught by the petitioner and disclosed his identity as Chandra Bhushan (deceased), thereafter he was assaulted by the villagers and information was given and taken away by the police. There is no independent witness and no eye-witness to support the prosecution case. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are languishing in judicial custody for more than six months.

5. The application for bail is opposed by learned APP for the State.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Ahiyapur P.S. Case No. 08 of 2019.

(Sunil Kumar Panwar, J)

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