

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36034 of 2022

Arising Out of PS. Case No.-285 Year-2021 Thana- DHURAIYA District- Banka

1. RAJU @ RAJESH RAI Son of Dalchand Rai Resident of village - Makesar, P.S.- Dhoraiya, District - Banka.
2. Santosh Rai Son of Kamleshwari Rai Resident of village - Makesar, P.S.- Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 08-02-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 304 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and are in custody since 17.04.2022.

The informant alleges that on account of dispute relating to passage, the petitioners along with other accused persons assaulted the informant's husband and even dashed him on the ground on account of which he died.



Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the case was instituted under Section 304 of the IPC and not under Section 302 of the IPC, it is also submitted that investigation is complete, charge-sheet has been submitted and the learned trial court has also framed charges against the petitioners *vide* order dated 02.11.2022 under Sections 341, 323, 304 and 34 of the IPC which *prima-facie* demonstrates that in the investigation also nothing came which could connect the petitioners with the offence in the sense that petitioners killed the deceased intentionally.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhoraiya P.S. Case No. 285 of 2021.

Further, if the learned trial court comes to a conclusion that the petitioners after their release are trying to



delay the trial in any manner, the learned trial court shall forthwith cancel their bail bonds after recording reasons and shall take all coercive steps to ensure that the petitioners are behind bars.

(Satyavrat Verma, J)

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