

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36718 of 2023

Arising Out of PS. Case No.-274 Year-2020 Thana- DESARI District- Vaishali

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1. Mithlesh Rai Late Tilak Rai R/O Village- Muraubatpur, P.S- Desari, Distt.- Vaishali.
 2. Lal Mohan Rai S/O Vinod Rai R/O Village- Hardaspur, P.S- Mohanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Desari P.S. Case No. 274 of 2020 lodged under Sections 302,
120B of the I.P.C.

As per the prosecution case, the F.I.R. has been
lodged against 4 named accused persons including the present
petitioners. It has been alleged in the F.I.R. that the accused
persons in connivance with each other have killed the deceased
who is brother of the informant.

Learned counsel for the petitioners submits that the informant has narrated that the marriage of his sister was solemnized 25 years back and by this marriage, her sister has 8 children (5 sons and 3 daughters). It has been stated that there were physical relation between the wife of the deceased and his son-in-law, due to which regular dispute used to takes place in the family and subsequently, the dead body of the informant's brother was found. Thereafter, on the basis of suspicion, F.I.R. has been lodged against all the accused persons.

Counsel for petitioners submits that there are 2 petitioners in this case. petitioner No.1 is son of the deceased and petitioner no.2 is son-in-law of the deceased.

Counsel for petitioners submits that antecedent of both the petitioners are clean and they are in custody since 21.12.2022. Counsel further submits that it has come in the F.I.R. itself that the cause of death is the strangulation by the deceased himself. But the allegation has been made that the cause of death is brutal assault and subsequently, hanged.

Counsel for petitioners submits that in this case, the wife of the deceased and another son have been granted bail by the Co-ordinate Bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 66689 of 2021.

Counsel submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them. He further submits that this case has been filed on strong suspicion.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No. 274 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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