

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41922 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- DALSINGHSARAI District- Samastipur

1. RAKESH RAI @ RAKESH RAY @ RAKESH KUMAR @ NANGRA @ RAJESH RAI Son of Hardev Ray Resident of village - Keota, P.S. - Dalsinghsarai, Distt. - Samastipur
2. Vijay Rai @ Vijay Ray @ Gadar Rai @ Vijay Yadav Son of Awtari Ray @ Avtari Ray Resident of village - Keota, P.S. - Dalsinghsarai, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap
For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-08-2023 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 302 and 34 of the Indian Penal Code.

3. As per prosecution case, when the informant's son along with his friends namely, co-accused Gautam Paswan and petitioners went for a walk near a bridge in the village. When



the informant's son did not return till late night his family members tried to search him. Thereafter, it is alleged that one decaying body was found by the fishermen in the village *Keota Chaur (lower land)*. When his family members reached there, then they identified the dead body as his son namely, Gopal Kumar Chaudhary @ Lalu.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case due to dirty village politics. They have committed no offence. On the basis of suspicion, petitioners have implicated in the present case. There has been delay of seven days in lodging in the FIR. There is no consistent evidence and no eye-witness of the alleged occurrence and it is a case of last seen. No incriminating article has been recovered from the conscious possession of the petitioners. They are languishing in judicial custody for about 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 Dalsinghsarai P.S. Case No. 442 of 2022.

(Sunil Kumar Panwar, J)

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