

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44146 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- KHAIRA District- Saran

1. Jay Prakash Rai @ Neta @ Jay Prakash Yadav @ Jay Prakash Son Of Harendra Rai Resident Of Village- Maksuspur Tole Balua, Ps- Khaira, District- Saran At Chapra
2. Ranjan Kumar @ Ranjan Kumar Yadav Son Of Harendra Rai Resident Of Village- Maksuspur Tole Balua, Ps- Khaira, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners seek regular bail in connection with Khaira P.S. Case No. 398 of 2022 registered for the offence under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with other co-accused persons are alleged to have assaulted the son and husband of the informant due to which they sustained injury. The husband of the informant died during course of treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Ther is



a dispute in respect of land is going on between the parties due to which these petitioners have falsely been implicated in this case. From perusal of FIR, it appears that general and omnibus allegation against the petitioners. No specific overt-act of assaulting attributed against the petitioners. It is also submitted that postmortem report does not in-consonance with the prosecution in which, doctor opined that cause of death of the deceased is due to Cardiogenic shock as a result of massive MI/heart failure. Both the petitioners have got no criminal antecedent as stated in para-3 of the bail petition. It is further submitted that the petitioners are languishing in judicial custody since 9.4.2022.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Khaira P.S. Case No. 398 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate,



1st Calss, Saran at Chhapra.

(Sunil Kumar Panwar, J)

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