

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53278 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- GADHPURA District- Begusarai

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MUKESH KUMAR @ MUKESH RAI Son of Mr. Ram Prakash Rai Resident
of Kumharso, Ward No.- 13, P.S.- Garhpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 70782 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- GADHPURA District- Begusarai

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RAKESH ROY @ RAKESH KUMAR S/O RAMPRAKASH ROY Resident
of Village- Kumaharso, P.S.- Garhpura, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 53278 of 2022)

For the Petitioner/s : Mr.Kumar Vishoka Nand, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 70782 of 2022)

For the Petitioner/s : Mr.Vinod Gautam, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 23-02-2023 As both the criminal miscellaneous petitions have

arisen out of same P.S. case, hence they are being taken up and

decided together.

Let the defect(s), if any, pointed out by the office be

removed within three weeks from the date of this order, failing

which the matter be listed again under the appropriate heading



for necessary action.

Heard learned counsels for the petitioners and the learned APPs for the State.

Petitioners seek regular bail in connection with Garhpura P.S. Case No.43 of 2022 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that petitioner (Mukesh Kumar) along with his family members murdered his wife and fled from the alleged place.

The main submissions advanced by the learned counsel Mr. Kumar Vishoka Nand for the petitioner Mukesh Kumar @ Mukesh Rai are that the marriage of this petitioner (Mukesh Kumar) took place ten years ago and after victim's death any of her parental family member did not come out to lodge the FIR and the same was lodged by a Police Chowkidaar and there are four children of the petitioner from the wedlock with the victim and the petitioner has been languishing in jail since 29.05.2022 and during his jail custody period his health deteriorated due to hole in his lungs and in this regard jail superintendent got the petitioner admitted in Sadar Hospital, Begusarai and then the doctor concerned referred the petitioner to AIIMS, Patna and in this regard relevant document was filed



along with the mentioning slip before this Bench and then the matter of the petitioner was directed to be listed.

The main submissions advanced by the learned counsel Mr. Vinod Gautam for the petitioner Rakesh Roy @ Rakesh Kumar are that the petitioner is a brother-in-law of the deceased and against him there is no specific allegation in the FIR and he has been languishing in jail since 24.05.2022 and he lives separate from the victim's husband.

Learned APPs Mr. Jitendra Kumar Singh and Mr. Kumar Veerendra Narayan appearing for the State has opposed the bail prayer of both the petitioners.

In view of the facts, as stated above, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Garhpura P.S. Case No.43 of 2022.

(Shailendra Singh, J)

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