

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70138 of 2022

Arising Out of PS. Case No.-262 Year-2022 Thana- NAANPUR District- Sitamarhi

1. Surender Rai @ Surendra Rai Son of Late Sarikhan Rai Resident of Village - Choupar Kala, P.S.- Nanpur, District- Sitamarhi
2. Sikander Rai @ Sikindar Rai Son of Late Dhodhai Rai Resident of Village - Choupar Kala, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP
For the Informant	:	Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Nanpur
P.S. Case No. 262 of 2022 registered for the offence under
Sections 302 and 34 of the Indian Penal Code (for short
'I.P.C.'), 1860.

The accused/petitioners are named in the F.I.R. and
are in custody since 21.06.2022.

The allegation against these petitioners is to commit
murder of the father of the informant alongwith other 10 named



co-accused persons by making an assault with back of spade.

Learned counsel appearing on behalf of the petitioners submitted that the specific allegation, as to cause fatal assault, is available against co-accused Dinesh Rai and Lal Babu Rai, where implication of above named petitioners is only for the reason that they are the cousin of the main co-accused, Lal Babu Rai, with whom informant was in property dispute. It is submitted that similarly situated co-accused, namely, Chandeshwar Rai has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 73629 of 2022 vide order dated 04.03.2023. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, Mr. Ashutosh Kumar, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of fatal assault is not available against above named petitioners coupled with the fact that charge-sheet has already submitted, let both above named petitioners, are directed to be released on bail in connection with Nanpur P.S.



Case No. 262 of 2022 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Sub-Divisional Judicial
Magistrate, Pupri, Sitamarhi/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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