

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70152 of 2023

Arising Out of PS. Case No.-534 Year-2022 Thana- MANER District- Patna

Shyam Babu@Shyam Babu Rai Son Of Faudari Rai Resident Of Village -
Sherpur Bazar, Ps- Maner, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65050 of 2023

Arising Out of PS. Case No.-534 Year-2022 Thana- MANER District- Patna

Lal Babu Rai S/O Faudari Rai R/O Village- Sherpur Bazar, P.S- Maner, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70152 of 2023)

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Arvind Kumar Pandey (A.G.)

(In CRIMINAL MISCELLANEOUS No. 65050 of 2023)

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in a case
registered for the offence punishable under Sections 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

3. It is a case of commission of murder of the



informant's husband namely, Nirala Kumar by the accused persons including the petitioners by gunshot injury.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case due to village politics. The informant is not an eye witness of the alleged occurrence. The name of the petitioners come in this fabricated case due to only suspicion and imagination. There is no any specific allegation against the petitioners. The postmortem report is not in consonance with the prosecution case. According to prosecution case, three accused persons opened fire upon the deceased due to which he died but as per postmortem report only one entry wound found on the person of the deceased. It is further submitted in para 13 of the petition that the gospel came as motive of murder as cancellation of marriage of the niece of petitioner Shyam Babu/daughter of petitioner Lal Babu Rai is totally false because her marriage was solemnized more earlier then the so called offence. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Petitioners are languishing in judicial custody since 25.04.2023.

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 of the petitioners, this Court is inclined to enlarge the petitioners on bail **after framing of charge, if not framed.** 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 of J.M. 1st Class, Danapur, Patna in connection with Maner P.S. Case No.534 of 2022.

(Sunil Kumar Panwar, J)

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