

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69633 of 2023

Arising Out of PS. Case No.-379 Year-2023 Thana- BARHARA District- Bhojpur

1. Rekha Devi, Wife of Hari Shankar Rai, Resident of Village - Barhara, P.s. Barhara, District- Bhojpur.
2. Hari Shankar Rai, Son of Sri Sugriv Rai, Resident of Village - Barhara, P.s. Barhara, District- Bhojpur.
3. Rohit Rai @ Sunil Rai, Son of Lallan Rai, Resident of Village - Barhara, P.s. Barhara, District- Bhojpur.
4. Satya Narayan Rai @ satya Narain Rai Son of Sri Baijnath Rai, Resident of Village - Barhara, P.s. Barhara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Ms. Priya, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned A.P.P.

for the State assisted by learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code.

3. The petitioners, who are agnates of the informant, are said to have entered into the house of the informant and assaulted the informant and his family members. They strangled the mother of the informant by pressing her neck resulting into her death.



4. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Both the parties are agnates and there is land dispute between the parties. It is further submitted that the postmortem report does not support the prosecution case. Petitioners have no criminal antecedent except petitioner no.2 , who has one criminal antecedent, as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the informant opposed the prayer for bail. However, learned counsel for the informant accepts that there is land dispute between the parties and both parties are agnates.

6. Having regard to the facts and circumstances of the case as well as the fact that the postmortem report does not support the prosecution case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is



pending/successor Court in connection with Barhara P.S. Case
No.379 of 2023, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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