

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71590 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- MANPUR District- Nalanda

1. Damodar Raut S/O Late Kedar Raut R/O Village- Gonawapur, P.S- Manpur, Distt.- Nalanda.
2. Chandan Raut S/O Damodar Raut R/O Village- Gonawapur, P.S- Manpur, Distt.- Nalanda.
3. Kundan Raut S/O Damodar Raut R/O Village- Gonawapur, P.S- Manpur, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seeks regular bail in connection with Manpur P.S. Case No. 84 of 2023, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant was in her parental house, she got the information that her husband had died. It is further alleged that the petitioners killed the husband of the informant by *lathi* and *danda* due to family dispute.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and the petitioner no. 1 is 70 years old and petitioners nos. 2 and 3 are his sons who have clean antecedent. Petitioner no. 1 is own brother of deceased and petitioner nos. 2 and 3 are nephew of the deceased. He also submits that informant is not the eye-witness and only on the basis of suspicion and with ulterior motive, the informant implicated petitioners in this case. He also submits that the alleged occurrence took place on 07.05.2023, however, the FIR was lodged on 09.05.2023 without any plausible explanation. He further submits that the petitioners and the deceased were living separately and have no concern with each other. He also submits that petitioner nos. 1 and 3 are in jail custody since 10.07.2023, whereas petitioner no. 2 is in jail custody since 10.08.2023 and charge-sheet has already been submitted against the petitioners in this case and the petitioners undertake to co-operate in the trial in the Court Below.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioners.

6. Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, let the



petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif or concerned Court Below in connection with Manpur P.S. Case No. 84 of 2023, subject to following conditions:-

(i) One of the bailors shall be own/close member of the family of the petitioners.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(Sunil Dutta Mishra, J)

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