

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73333 of 2024

Arising Out of PS. Case No.-230 Year-2018 Thana- KATEYA District- Gopalganj

1. Priyanka Rai W/O Girish Rai @ Girish Kumar Rai R/O Village- Khuruhuria, P.S- Kateya, Distt.- Gopalganj
2. Girish Rai @ Girish Kumar Rai S/O Sri Jagarnath Rai R/O Village- Khuruhuria, P.S- Kateya, Distt.- Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Avinash Kumar Singh, Advocate
For the Opposite Party/s :	Mr.Md. Shakir Ahmad, A.P.P.
	Mr. Om Prakash Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-12-2024

Heard learned counsel for the parties.

2. The petitioners seek bail in Kateya P.S. Case No. 230 of 2018, registered for the offence under Section 302/34 of the Indian Penal Code.

3. As per the prosecution case, the F.I.R. named accused persons got executed Basiyatnama for the entire land of uncle of informant in their favour and thereafter, killed him to grab the entire land.

4. Learned counsel for the petitioners submits that petitioner no.2 and informant are full brother and petitioner no.1 is wife of petitioner no.2. There was family partition in the year 2016 since then they are separate in mess and property. There is inordinate delay of 13 days in lodging of the FIR. Even post mortem report reveals that the victim died of asphyxia caused by drowning and the same itself falsify the prosecution case. Petitioners are in custody since 15.6.2024 and 18.6.2024 respectively. Charge sheet has already been submitted.

5. Learned counsel for the State and informant oppose



the prayer for bail. Leaned counsel for the informant submits that the petitioners may tamper with the evidence on their release on bail.

5. Considering the aforesaid facts of the case, prayer for regular bail of the petitioners is allowed. Let the petitioners, mentioned above, be enlarged 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 Additional Sessions Judge XVI, Gopalganj in Kateya Police Station Case No. 230 of 2018, Sessions Trial No. 435 of 2024 on the following condition:-

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

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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