

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79479 of 2023

Arising Out of PS. Case No.-76 Year-2010 Thana- SURSAND District- Sitamarhi

1. Lal Babu Rai Son Of Late Bindeshwari Ray Resident Of Village -Jawahi, Ps -Sursand, Distt- Sitamarhi
2. Lal Mohan Rai Son Of Late Bindeshwari Ray Resident Of Village -Jawahi, Ps -Sursand, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 19-04-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with
Sursand P.S. Case No. 76 of 2010 instituted for the offence
under Sections 302 & 34 of the Indian Penal Code.

3. Prosecution case in short is that grandson of the
informant went to watch his mango orchard but till night he did
not return and a search was made and during that course, sound
of crying child was heard. Thereafter informant proceeded to the
side of sound and he saw petitioners and others were fleeing. It



is further alleged that petitioner No. 1 was having knife in his hand.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 28-07-2023. Petitioner No. 1 bears two criminal antecedents while petitioner No. 2 is a man of clean antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Learned counsel for the petitioner submits that police after completion of investigation submitted the final form, under which the police has not sent up against these petitioners and despite this, learned court below has taken cognizance against these two petitioners.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Sursand
P.S. Case No. 76 of 2010.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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