

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84340 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- MUSRIGHRARI District- Samastipur

1. Avinash Kumar @ Mithun Son of Mr. Chhotelal Sah Resident of Village - Jitwarpur, P.S. Sarairanjan, District- Samastipur.
2. Vijay Jha Son of Radhakant Jha Resident of Village - Udapatti, P.S.- Musrigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

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

3. The allegation against the petitioners along with others is of killing the son of the informant.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. Petitioner no. 1 is not named in the FIR and his name has come into light, on the basis of confessional statement of co-accused Santosh Jha. There is no



eye-witness of the alleged occurrence and there has been delay in lodging the FIR. On the basis of suspicion, petitioners have been implicated in the present case by the police. He submitted that from the perusal of the inquest report of the deceased, it appears that it was prepared on 28.06.2022 and he said inquest was prepared at Sadar Hospital, Samastipur on Ambulance Stretcher and Shivam Kumar, own brother of the deceased and son of the informant, as well cousin of the deceased are the inquest report witnesses. No incriminating article has been recovered from the conscious possession of these petitioners. He further submitted that the other co-accused has already been granted bail by this Bench vide order dated 20.06.2023 passed in Cr. Misc. No. 4377 of 2023. They are languishing in judicial custody since 23.06.2023 and 01.08.2023 respectively.

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, 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 Additional Chief Judicial Magistrate, Samastipur
in connection with Musrigharari P.S. Case No. 113 of 2022.

(Sunil Kumar Panwar, J)

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