

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64178 of 2024

Arising Out of PS. Case No.-343 Year-2023 Thana- AWTARNAGAR District- Saran

1. Shankar Rai @ Shankar Prasad Yadav Son of Late Shivnath Prasad Yadav @ Shivnath Rai Resident of Village - Chhota Jhauan (Chhot Jhauwan), P.S.-Awatarnagar, District - Saran at Chapra (Bihar)
2. Brij Kishor Rai @ Braj Kishor Rai @ Brajkishor Ray Son of Late Hari Nandan Rai Resident of Village - Chhota Jhauan (Chhot Jhauwan), P.S.-Awatarnagar, District - Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

7 27-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 302, 201 and 34 of the Indian Penal Code.

3. The case of the prosecution is that there was affair between grandson of the informant Raju Rai and one Muskaan Kumari. It is alleged that Raju Rai and Muskaan Kumari have fled away to Haryana. They were brought to the village. It is also alleged that the father of the Muskaan has threatened the informant that he will be implicated in false case. It is further alleged that on 05.12.2023 the informant came to know that



Muskaan Kumari has been killed by her family members. After some time he saw that the petitioners along with others was going with Muskaan on a four wheeler. The informant suspects that she has been killed by the petitioners and others.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. From perusal of the FIR itself it is clear that it is only the suspicion of the informant. Learned counsel for the petitioner has submitted that in diary it has come that Muskaan was suffering from diarrhoea for which she was treated and she died during treatment after that she was cremated. From perusal of the case diary it is clear that there is no positive evidence regarding involvement of the petitioners in the killing rather from perusal of the diary it transpires that the death was due to diarrhoea. Petitioners are the family members of the deceased. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 28.06.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Awatarnagar P.S. Case No. 343 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each of them with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra.

(Ashok Kumar Pandey, J)

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