

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47071 of 2014

Arising Out of PS.Case No. -222 Year- 2014 Thana -BANIAPUR District- SARAN

- =====
1. Hari Rai Son of Late Bishun Rai
 2. Bhola Rai Son of Late Raja Rai Both are residents of village - Lauwan Kala, Police Station - Baniyapur, District - Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.48125 of 2014

Arising Out of PS.Case No. -222 Year- 2014 Thana -BANIAPUR District- SARAN

- =====
1. Parshuram Sah Son of Sudarshan Sah
 2. Satrugan Sah Son of Sudarshan Sah
 3. Dharmendra Chourasia @ Dharmendra Choudhary Son of Kanhaiya Chourasia All resident of vilage- Laua Kala, P.S.- Baniyapur, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.48856 of 2014

Arising Out of PS.Case No. -222 Year- 2014 Thana -BANIAPUR District- SARAN

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1. Shivnath Ray @ Sheonath Rai son of Late Deonarayan Ray
 2. Rajnarayan Ray @ Raj Narayan Rai son of late Hardeo Ray
 3. Rudal Ray son of late Sukhdeo Ray All resident of village - Lauwa Kala, P.S. Baniyapur, District - Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.50119 of 2014

Arising Out of PS.Case No. -222 Year- 2014 Thana -BANIAPUR District- SARAN

- =====
1. Shambhu Rai Son of Buni Lal Rai Resident of Village- Lauan Kala, P.S.-

Baniyapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.47071 of 2014)

For the Petitioner/s : Mr. Bindhyachal Singh

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.Pp)

(In Cr.Misc. No.48125 of 2014)

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.Pp)

(In Cr.Misc. No.48856 of 2014)

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Sadanand Paswan (App)

(In Cr.Misc. No.50119 of 2014)

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 04-02-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

All these four cases, seeking regular bail, arise out of same
Baniyapur P.S. Case No. 222 of 2014, and have therefore been
heard together.

These matters have been taken up out of turn, on a mention
having been made for them to be taken up as the last case on the
ground that one of the petitioners namely, Hari Rai, has suffered
heart attack and requires immediate medical intervention in
hospital. The petitioner No. 1 of 47071 of 2014 is in custody since
16.10.2014 and petitioner No. 2 is in custody since 13.09.2014.

The petitioners in other cases are also in custody for more than three months.

The petitioners are accused in a case registered for the offence punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel appearing on behalf of the petitioners in all the cases, have submitted that allegation of assault against 60-70 persons in the First Information Report is general and omnibus. Though learned counsel admit that the *Chowkidar* who is the informant of the case is said to have identified the petitioners to be present on the place of occurrence, but at the same time, they submit that there is no specific allegation of any overt act against any of these petitioners. None of the petitioners has any criminal antecedent. It is further been submitted that no motive has been attributed against these petitioners for commission of the offence as alleged. On perusal of the First Information Report, I find that there is no specific allegation against these petitioners of any overt act.

In view of the above, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the

satisfaction of learned Additional Sessions Judge-cum-Special Judge, SC/ ST (POA) Act Saran at Chapra in connection with Baniyapur P.S. Case No. 222 of 2014.

(Chakradhari Sharan Singh, J.)

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