

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20816 of 2015

Arising Out of PS.Case No. -356 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

Binod Rai, Son of Sri Dev Narayan Rai aged about 36 years, resident of
village- Panchbheriya, P.S.- Ramgarhwa, Distt.- East Champaran.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

Appearance :

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

For the Opposite Party/s : Mr. P.N.Pandit (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a case
instituted under Sections 323, 324 and 307/34 of Indian Penal
Code.

The prosecution case is that as per F.I.R., the
informant Sabina Devi filed a written petition before S.H.O.,
Sugauli P.S., stating therein that on 2.10.2014 the informant was
returning to her home at about 9.30. P.M. alongwith her husband
from Sugauli after visiting Durga Pooja. In the way near Harijan
Toli Chowk (N.H. 28) there was quarrelling between informant's
village persons, namely, Krishna Mahto, Deepak Sahani and
Binod Rai, Harendra Rai. Informant's husband tried to pacify the



quarrel, on which Binod Rai told that they are Rangdar and ordered to kill him because he is posing as leader. Thereafter, Binod Rai caught informant's husband and Harendra Rai pierced Chhura in his abdomen, as a result of which blood started oozing and he became unconscious and fell down there. They also caused assault to Krishna Mahto and Deepak Sahani by Chhura. In the meantime nearby persons rushed there and carried the three persons to Sugauli government hospital from where the doctor referred the informant's husband to Motihari Sadar Hospital and seeing his serious condition, the informant carried her husband to Rahmania Hospital, Motihari he was treated.

It has been submitted on behalf of the petitioner that the main allegation of assault with dagger blow is against one Harendra Rai. It has been further submitted that no injury has been attributed against the petitioner. It has further been submitted that the present case was instituted after four days from the date of occurrence, for which no explanation has been made on behalf of the prosecution.

On behalf of the State, the petitioner is named in the F.I.R.

Considering the facts aforesaid, let the above named petitioner, in the event of his arrest or surrender in the Court below

within a period of four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Sugauli P.S. Case No. 356/2014 dated 6.10.14, subject to the conditions as laid down u/s 438 (2) Cr.P.C. .

(Sudhir Singh, J.)

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