

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36166 of 2015

Arising Out of PS.Case No. -451 Year- 2013 Thana -SONEPUR District- SARAN

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1. Rameshwar Rai Son of Late Raj Balam Rai
2. Subash Rai Son of Rameshwar Rai
Both are resident of village - Chakapsaid, P.S. Sonapur, District - Saran
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Vinod Shankar Modi (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

It is alleged that the accused persons came variously armed, Sudhir Rai caused injury with knife on the lower portion of abdomen of the informant. When brothers and son of the informant came to rescue, then co-accused Ram Laddu Rai assaulted with farsa on the head and other parts of Vir Bahadur Rai, co-accused Sukeshwar Rai caused injury on the head of Dharamnath Rai and other accused persons assaulted the father of the informant. It is alleged that Sukeshwar Rai snatched gold

chain from the neck of the informant.

It is submitted by the learned counsel for the petitioners that in the background of procedure being initiated under 144 and 188 Cr.P.C. between the parties, the accusation has been levelled. There is no specific accusation of assault by the petitioners as the specific accusation of assault has been levelled against Sudhir Rai , Ram Laddu Rai and Sukeshwar Rai. Learned Sessions Judge committed error on record by saying that the petitioners assaulted Dharamnath Rai, whereas the First Information Report reflects Dharamnath Rai was assaulted by Sukeshwar Rai. There is counter version of the occurrence. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, 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 Chief Judicial Magistrate, Saran, Chapra in connection with Sonapur P.S. Case No. 451 of 2013, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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