

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39492 of 2015

Arising out of PS.Case No. -94 Year- 2015 Thana -CHIRAIYA District- EAST
CHAMPARAN(MOTIHARI)

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1. Laxman Rai, son of late Briksha Rai.
 2. Yogendra Rai, s/o Late Bhajan Rai.
 3. Mishrilal Rai, s/o Rudal Rai.
 4. Manoj Rai, s/o Rudal Rai.
 5. Allah Rai, s/o Baldeo Rai.
 6. Baldeo Rai, s/o late Briksha Rai.
 7. Shyamal Kumar @ Shyamal Rai, s/o Rudal Rai.
 8. Rudal Rai, s/o Baldeo Rai.
 9. Fekan Rai, s/o Bhajan Rai.
 10. Vinay Rai, s/o Bhola Rai.
 11. Bhola Rai, s/o Laxman Rai.
 12. Raj Mangal Rai, s/o Late Dashrath Rai. All are residents of village - Tribhuwan Tola Thath, P.S. - Chiraiya, District - East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sunil Kumar No. III, Advocate.
For the Opposite Party : Mr. Rajesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2015 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 5, Allah Rai.

Permission is accorded.

Accordingly, the application on behalf of petitioner no. 5, Allah Rai, is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned counsel for the State

The petitioners are apprehending their arrest in connection with G.R. Case No. 719/2015, arising out of Chiraiya P.S. Case No. 94/2015 for the offences instituted under Sections 376, 323 and 380/34 of the IPC.

The prosecution story, in brief, is that accused Laxman Rai who is the neighbour of the informant was putting Bamboo-Tat on Gairmazarua land which is being used as Path by the villager persons. The informant asked from Laxman Rai that earlier he had kept his Bedi near public pond(Inar) and now, as to why he wants to take his possession over the public Gairmazarua land. On this, accused Laxman Rai caused hurt to the informant's younger brother, Shambhu Rai by Farsa. Accused Mishrilal Rai caused hurt to the informant's son, Bhagyanarayan Rai by Farsa. Accused Umesh Rai caused hurt to the informant wife Laldhari Devi by Bhala. Accused Manoj Rai caused hurt to the informant's father Punit Rai by Farsa. Accused Allah Rai and Baldeo Rai caused hurt to the informant's youngerbrother Birendra Rai by Farsa and Lathi. Accused Shyamal Kumar and Rudal Rai caused hurt to the informant's son by Iron rod and Lathi. The accused persons entered in the home of the informant and committed theft of Rod, Cement, Balti etc., worth Rs. 25,000/-. Other accused persons also caused hurt to other family members of the informant

by brick-batting.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that the petitioners have falsely been implicated in the present case. From perusal of the injury report which is Annexure-2 series to the supplementary affidavit, it appears that the nature of injury is simple. Hence, no offence under Section 307 of the I.P.C. is being made out.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let all the petitioners except petitioner no. 5 above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with G.R. Case No. 719/2015, arising out of Chiraiya P.S. Case No. 94/2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikrahana at Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)