

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47799 of 2014

Arising Out of PS.Case No. -287 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

1. Bhag Narain Rai
2. Sattan Rai @ Satya Narayan Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar-Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin(A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 22-05-2015

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Instant case has been registered on the basis of the complaint petition sent to the concerned police station under Section 156(3) of the Cr.P.C. for registration and investigation of the case. The name of the complainant has been shown as Radhe Rai, son of Ram Pukar Rai, L.T.I. happens to be of Radhe Rai, but from the narration of the complaint, it is difficult to trace out whether it happens to be by the complainant, Radhe Rai or on behalf of his wife as the narration goes “she came to know in evening that her husband is admitted at Sri Krishna Medical College. Her husband disclosed her that accused nos.1 and 2 (both the petitioners) forcibly lifted him from the tempo, pressed his neck and then, finding him dead, left. One tempo

driver lifted him and got him admitted at S.K.M.C.H.”

From the case diary, it is apparent that Radhe Rai is dead. It is also evident from Paragraph-49 that I.O. had gone to S.K.M.C.H. from where he had collected information that deceased was admitted at S.K.M.C.H. on 05.06.2014, in the side of kidney, heart under the unit of Dr. A. Mumtaz where he died on 19.06.2014. Furthermore, the I.O. had not able to trace out single witness on the score of assault having over the person of Radhe Rai. So far other part is concerned; admittedly, these two petitioners were not present.

Accordingly, petitioners, **Bhag Narain Rai** and **Sattan Rai @ Satya Narayan Rai** each are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P. S. Case no.287 of 2014 arising out of Complaint Case no.1290 of 2014, in event of their arrest/ surrender within four weeks subject to condition as enumerated under Section 438(2) of the Cr.P.C.

Vikash/-

(**Aditya Kumar Trivedi, J**)

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