

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37092 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -PATORI District- SAMASTIPUR

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1. Rajesh Rai @ Rajiv Kumar, Son of Dinesh Rai, Resident of Village-
Baghra Bariyarpur, P.S. Patory (Mohanpur) District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 03-11-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is named in the first information report and
it is alleged that he was carrying sword in his hand at the time of
alleged occurrence. It is also alleged that he assaulted the deceased
by means of sword.

Learned counsel for the petitioner drew my attention
towards the post mortem report of the deceased and submits that
lacerated wounds and swelling were found on the person of the
deceased and no sharp cutting injuries or piercing wounds were
found on the person of the deceased which suggests that sword
was never used in committing the alleged crime and, therefore,
even if the presence of the petitioner on the place of occurrence

assumed to be true, then also, petitioner is said to be only a member of unlawful assembly.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Samastipur in connection with Sessions Trial No. 307 of 2015 arising out of Patori P.S. Case No. 42 of 2015.

(Hemant Kumar Srivastava, J)

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