

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36254 of 2015

Arising Out of PS.Case No. -6 Year- 2015 Thana -JURAWNPUR District- VAISHALI(HAJIPUR)

- =====
1. Kaleshwar Rai S/o Late Jamun Rai
 2. Karu Rai S/o Late Nagina Rai
 3. Dinesh Rai S/o Baleshwar Rai All resident of village - Paharpur, P.S. Jurawanpur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra
For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-12-2015

Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of O.P. No. 2.

The petitioners apprehend their arrest in connection with Jurawanpur P.S. Case No. 6 of 2015 for offences punishable under Sections 364, 366(A) and 34 of the Indian Penal Code.

Earlier, case diary in the present case was called for which has since been received.

Learned Counsel for the petitioners submits that the alleged occurrence is of 16.02.2015, whereas, the FIR in the present case was registered on 24.03.2015, i.e. after a delay of almost forty days, for which no plausible explanation has been offered by the informant. Learned Counsel for the petitioner further submits that there is a history of litigation between the parties, inasmuch as, the

wife of Nakeshar Rai @ Nageshar Rai, who is the another named accused in the present case, has lodged a case against the informant's son of the present case. It was on account of this reason that the present case was instituted only to take revenge and implicate them falsely. Learned Counsel for the petitioners further submits that these petitioners are *Gotiyas* of the said Umesh Rai and, therefore, they have also been implicated in the present case.

Considering the fact that these petitioners have no criminal antecedents and that there is no further cogent material in the case diary so as to implicate these three petitioners, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 6 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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