

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41860 of 2015

Arising Out of PS.Case No. -996 Year- 2011 Thana -SARAN COMPLAINT CASE District- SARAN

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1. Sukan Rai, Son of Late Raja Rai,
 2. Mukesh Rai, Son of Dinanath Rai
 3. Sanjay Rai, Son of Vishwanath Rai
 4. Dinanath Rai, Son of Rekha Rai
 5. Vishwanath Rai, son of Rekha Rai All are Resident of Village- Parsawan Police Station- Parsa, District- Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Somariya Devi W/o Late Foudar Rai @ Foujdar Rai R/o vill- Parsawan, P.S- Parsa, Dist- Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 02-12-2015 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No. 996/C/2011, registered for the offences punishable under Section 302 and other sections of the Indian Penal Code and Section 27 of Arms Act.

On the basis of farbeyan of Somariya Devi widow of the deceased Faudar Rai Parsa, P.S. Case no. 55/09 corresponding to GR No. 2731/2009 was registered under Section 302 and other sections of I.P.C against all the five petitioners.

Somariya Devi alleged that she heard sound of griddling

of her husband and saw Sukan Rai had caught her husband. Mukesh Rai was pressing the mouth of her husband. Sanjay Rai assaulted her husband with dagger on his neck. Vishwanath Rai ordered to kill the informant and Dinanath Rai assaulted her with fist and slap and snatched the chain made of gold.

It is submitted that police after investigation submitted final form finding the case false. Faudar Rai died due to fall from the roof and no injury caused by sharp-edged weapon found on the neck of the deceased. The deceased died on account of injury caused in his head, as he fell down on the ground from the roof. The final form was accepted. The informant filed protest petition on the basis of which the present case proceeded. The complaint case was also dismissed, but the complainant referred to revision and the case was remanded back vide order passed in Cr. Misc. No. 538/2014. Thereafter, cognizance was taken.

It is submitted that even the post-mortem report does not support the versions of the informant.

Considering the facts aforesaid and the fact that police after thorough investigation found the case false and found no injury said to have been caused by sharp-edged weapon on the neck of the deceased, the petitioners, 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, are directed to be enlarged on bail 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 Chief Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 996C/2011, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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