

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11000 of 2016

Arising Out of PS.Case No. -197 Year- 2015 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

- =====
1. Dhyani Rai, s/o Heman Rai
 2. Raju Rai, S/o Ramadhar Rai
 3. Lal Saheb Rai, s/o Biraj Rai @ Nandlal Rai, all resident of village Ramgama, P.S. Mohiuddinagar, Distt. Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj, Advocate

For the Opposite Party/s : Mr. Pronati Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 28-04-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

Petitioners seek bail in connection with Mohiuddinagar P.S. Case No. 197 of 2015 registered for the offences punishable under Sections 147, 148, 149, 452, 341, 323, 307, 324, 379 and 380 of the Indian Penal Code and later on Section 302 IPC has also been added.

Allegedly, ten accused persons including the petitioner after entering into the house of the informant started assaulting the informant and when Ram Dayal Rai, the father of the informant came for rescue, he was also assaulted and then Ram Murti Rai, uncle of the informant and Devnandan Rai, brother of the

informant came for rescue and they have also been assaulted, after twelve days of the occurrence, Ram Murti Rai died.

Submission is of false implication and that First Information Report has been lodged after delay of two days without any explanation, the prosecution parties were aggressors, there is case and counter case, several persons from the petitioners side have sustained injuries, the petitioners are suffering in custody since 27.01.2016, there is no specific allegation against them, injuries found on the person of Ram Murti Rai was simple in nature which is evident from para-30 of the case diary but later on Ram Murti Rai died. Similarly situated co-accused Baijnath Rai and Mantun Rai have been allowed bail by the learned court below itself and, as such, the petitioners also deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant submits that Gita Devi in para 8 of the case diary has made specific allegation against Dhyani Rai that he was an order giver.

In the facts and circumstances stated above, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the

learned ACJM, IVth Samastipur in connection with Mohiuddinagar P.S. Case No. 197 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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