

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34062 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Daroga Rai
 2. Jodha Rai Both, sons of Sajjan Rai
 3. Rajesh Rai
 4. Munna Rai, Both Sons of Jodha Rai. All residents of Village Basatpur, P.S. Nakardai District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 26-08-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Adapur P.S. Case No. 42 of 2016 registered under Sections 147, 148, 149, 323, 307, 504, 506, 325 and 379 of the Indian Penal Code.

The accusation is that eight named accused in the F.I.R. including the petitioners surrounded the brother of the informant and on the order of co-accused, Ram Babu Rai, his son Sunil Rai gave Farsa blow at Suresh Yadav causing injury at the back side of his head. At that time, petitioner no. 3 gave lathi blow



at the hand of his brother, Suresh Yadav. In the meantime, when the elder brother of informant, Birbal Rai, made protest then co-accused, Bhushan Rai, gave Farsa blow at the back side of his head. Thereafter, co-accused, Ram Babu Rai, gave Bhala blow at the nose of his elder brother, Birbal Rai and petitioner no. 4 and Raj Kumar Rai also gave lathi blow at Birbal Rai. At that time, petitioner no. 4, snatched the gold chain and co-accused, Raj Kumar Rai also snatched Rs.15000/- from Birbal Rai, on which, Birbal Rai fell down then petitioner nos. 1 and 2 have assaulted him through bricks.

Learned counsel for the petitioners submits that there is no specific overt act has been made against the petitioners and the specific allegation against co-accused, Bhushan Rai and Sunil Rai is to gave Farsha blow at the head of brothers of the informant, namely, Birbal Rai and Suresh Rai. It is further submitted that the occurrence took place due to land dispute and the petitioner no. 4 and co-accused, Raj Kumar, have also sustained injury, regarding which, Adapur P.S. Case No. 43 of 2016 has been instituted by Ramina Devi, wife of co-accused, Bhushan Yadav of the present case.

Considering the aforesaid submissions, let the above named petitioner be released on bail, in the event of arrest or

surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Raxaul at Motihari, in connection with Adapur P.S. Case No. 42 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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