

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41382 of 2016

Arising Out of PS.Case No. -453 Year- 2015 Thana -SONEPUR District- SARAN

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1. Radhey Rai Son of Late Bachchu Rai
2. Upendra Rai
3. Sikandar Rai
4. Sahilendra Rai @ Bhuar Rai All three son of Radhey Rai
5. Tun Tun Rai
6. Bamkesh Kumar Both son of Rajeshwar Rai All Resident of Village-
Chhitar Chak P.S.-Sonpur Dist- Saran Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s :

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 07-12-2016 Heard the learned counsel for the petitioners.

Nobody appears on behalf of the State.

The petitioners apprehend their arrest in Sonapur P.S.
case No. 453 of 2015 under Section 307 and other Sections of the
Indian Penal Code.

The informant, Arun Kumar, named 19 persons,
including six petitioners, and alleged that while he was irrigating
his field all the accused persons, having armed with different
weapons, came and surrounded him. Sadish Rai pierced dagger in
his abdomen and again he gave dagger blow in his pelvis region.
The informant became unconscious and found himself in the
hospital.

The learned counsel for the petitioners submits that



although 19 persons are named in the FIR but there is allegation of assault against Sadish Rai and Rajeshwar Rai, who are alleged to have assaulted the informant with dagger and Farsa. The petitioners are not alleged to have even touched the body of the informant. There is counter version being Sonepur P.S. case No. 351 of 2015.

Considering the fact that petitioners are, of course, named in the FIR but no allegation of assault is made against them, the above named petitioners, in the event of their arrest or surrender before the learned 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Saran at Chapra in Sonepur P.S. Case No. 453 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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