

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40130 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -RAJNAGAR District- MADHUBANI

1. Uttam Rai, Son of late Uman Rai,  
2. Ramesh Rai, son of Late Saryug Rai Both resident of Village- Koilakh,  
P.S.- Rajnagar District- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
ORAL ORDER

2      17-09-2016                      Heard learned counsel for the petitioners and learned  
APP for the State.

Petitioners apprehend their arrest in connection with  
Rajnagar P.S.Case No. 69/2016 for offences alleged under  
Sections 341, 323, 324, 325, 307, 354 (B0, 447, 448, 379 and  
384/34 of the Indian Penal Code .

The prosecution case as lodged on the basis of the  
written report of the informant is that on 17.3.2016 at about  
5.P.M. the informant was engaged in bringing the earth soil by  
tractor to which the petitioner No. 1- Uttam Rai stopped . On this  
when the husband of the informant went to call the prestigious  
person of the society to solve the problem, the petitioner threw her



on the earth removed her clothes and also assaulted. The petitioner No. 2 Ramesh Rai fractured the hand of the informant by giving a blow of iron rod, while Sumitra Devi (co-accused) took away the ear ring of the informant. It has been alleged that the son of the informant was also assaulted by petitioner No. 2 Ramesh Rai by iron rod. Thereafter, the injured were brought to Rajnagar Hospital where injured persons were medically treated and the informant was referred to D.M.C.H.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. It has also been submitted that there is a counter case regarding the said incident in which the petitioner No. 1 received serious injury for which he was referred to the D.M.C.H. and from there to the Patna Medical College Hospital. He submits that the injury report specifies fracture of radius and Alna, which are not on the vital part of the body. He submits that the injury caused by the informants' side on the petitioner No. 1 and other co-accused persons were serious in nature. He submits that no case under Section 307 of the I.P.C. is made out against them and that the petitioners have no criminal history as is evident from para-3 of this application.

However, learned APP for the State submits that

petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Since, there is case and counter case, the present case has been lodged after delay of nearly seven days with no plausible explanation, and injury has found to be simple in nature, let, above named petitioners in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released 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 learned Judicial Magistrate, 1<sup>st</sup> class, Madhubani in connection with Rajnagar P.S. Case No. 69/2016 (G.R. No. 677 of 2016), subject to the conditions as laid down under Section 438(2) Cr. P. C.

**(Nilu Agrawal, J)**

Sudha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|