

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57458 of 2015

Arising Out of PS.Case No. -86 Year- 2015 Thana -JADOPUR District- GOPALGANJ

- =====
1. Awadh Kishore Rai, Son of Late Amla Rai
 2. Rinku Rai, Son of Awadh Kishore Rai. Both are resident of Village- Braipatti, Police Station- Jadopur in the district of Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Smt.Asha Devi (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-03-2016

Heard learned counsel for the petitioners and
learned APP for the State.

Counsel for the petitioners submits that petitioner
no. 1 Awadh Kishore Rai has since been arrested, hence, this
application has become infructuous against him.

The sole petitioner Rinku Rai apprehends arrest in
connection with Yadopur P.S. Case No. 86/15 for offences alleged
under Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal
Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant,
is that on 15.10.2015 at 9.00 A.M. when he along with his son
Hridya Nand Gupta was constructing their new house, petitioner
and others came and started abusing his son saying that as to why



he is campaigning in favour of Mahagathbandhan and when his son told about his right for vote, petitioner along with others started assaulting him. He started fleeing away to save his life but Awadh Kishore opened fire but the bullet did not hit anyone. He brought the villagers to the place of occurrence and found his son lying unconscious on the ground, his legs and hands fractured and stab mark on his whole body.

It has been submitted by the learned counsel for the petitioner that he is innocent having clean criminal antecedent and the allegations against him are general and omnibus, specific allegation is against co-accused Awadh Kishore Rai, who has since been arrested. He further submits that due to personal enmity petitioner has been falsely implicated and there is no specific allegation against him.

However, learned APP for the State opposes the prayer for bail stating therein that as per the case diary the petitioner was one of the accomplice of co-accused Awadh Kishore Rai, although, no specific allegation of assault is attributed against him.

Be that as it may, let petitioner Rinku Rai, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gopalganj, in connection with Jadopur P.S. Case No. 86/15(G.R. No. 3329/2015), subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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