

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1431 of 2016

Arising Out of PS.Case No. -48 Year- 2014 Thana -SONBERSA District- SITAMARHI

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1. Nagendra Rai Son of Ram Bali Rai Resident of Village- Basatpur, P.S. Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Narsing Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 448, 341, 323, 325, 379, 354, 504, 506/34 of the Indian Penal Code.

The prosecution case is that all the accused persons came armed with iron rod, lathi, danda and entered into the mill of the informant and on the order of co-accused Biltu Rai, co-accused Upendra Rai assaulted with iron rod to the informant. When the daughter-in-law of the informant came to rescue, then she was also being assaulted and her clothes being torn by the accused persons. Co-accused Upendra Rai took away Rs. 20,000/- from the pocket of the informant.

It is submitted by the learned counsel for the petitioner that specific accusation of assault is not against the petitioner. Bittu Rai is the own brother of the informant. Due to petty dispute accusation has been levelled. For the occurrence of 24.04.2014 the First Information Report was registered on 15.05.2014, when the fardbeyan was recorded on 26.04.2014.

Considering the delayed lodging of the case, accusation of assault is not specific against the petitioner and statement has been made in para-3 of the petition that petitioner has no criminal antecedent, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 48 of 2014, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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