

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21574 of 2016**

Arising Out of PS.Case No. -90 Year- 2015 Thana -SC/ST PS District-  
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rajesh Ray son of Rabindra Rai
  2. Raja Ray son of Harendra Rai
  3. Rambabu Ray son of Rajendra Rai

All are resident of Village- Basman Pur Kakahiya Tola, P.S.- Motihari  
Muffasil District- East Champaran

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate  
For the Opposite Party/s : Mr. Sadanand Paswan, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

2      26-05-2016                      Heard learned counsel for the petitioners and learned  
Special Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with  
SC/ST (Motihari) P. S. Case No. 90 of 2015 registered under  
Sections 147, 148, 341, 323, 379, 354, 504 and 506 of the Indian  
Penal Code and 3(1)(x) of the Scheduled Castes and Scheduled  
Tribes (Prevention of Atrocities) Act, 1989.

It is contended that three other co-accused persons,  
namely, Harendra Rai, Devendra Rai and Rabindra Rai having  
more or less identical allegation to that of the petitioners have

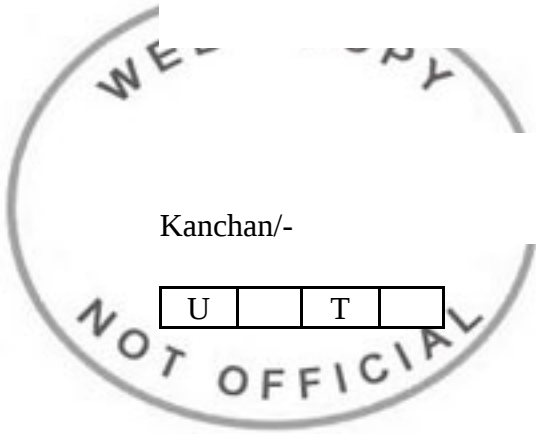


already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 01.02.2016 passed in Cr. Misc. No. 2533 of 2016. It is further contended that no occurrence as alleged in the FIR had ever taken place. As a matter of fact, there was admitted enmity existing between the parties from before and co-accused Rajendra Rai, father of petitioner no. 3 had lodged a case bearing Motihari Muffasil P. S. Case No. 157 of 2014 dated 13.06.2014 under Sections 364, 302, 201 and 120-B of the Indian Penal Code against the son of the informant, namely, Santosh Ram and others for kidnapping and killing of his son and in retaliation to that case, instant case has been instituted.

Learned Spl. PP for the State has opposed the prayer for grant of pre-arrest bail to the petitioners. However, he concedes that three other co-accused have already been granted pre-arrest bail by a co-ordinate Bench of this Court.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- ( Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in SC/ST (Motihari) P. S.

Case No. 90 of 2015, subject to the conditions as laid down under  
Section 438 (2) of the Code of Criminal Procedure.



**(Ashwani Kumar Singh, J.)**