

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4665 of 2016

Arising Out of PS.Case No. -440 Year- 2014 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Harilal Yadav @ Harilal Rai
 2. Jai Ashare Rai
 3. Ramaashare Rai All sons of Late Sukhari Rai
 4. Birendra Rai
 5. Vinod Rai @ Vinod Kumar
 6. Pramod Rai @ Pramod Kumar All sons of Jai Ashare Rai
 7. Harendra Rai son of Ramaashare Rai All residents of village- Amar Chhatauni, P.s.- Muffasil, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,149,379,354,427,435 and 504 of the Indian Penal Code and section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

It is alleged that on 10.12.2014 at 7.30 A.M. all the accused persons including the petitioners armed with rifle and country made pistol along with 200 unknown came and abused the informant and took away the articles worth rupees twenty five

thousand, clothes worth rupees seventy five thousand and cash of rupees twenty five thousand. The accused persons also outraged the modesty of the female members of the informant.

It is submitted by the learned counsel for the petitioners that for petty dispute the accusation has been levelled and it was the informant who assaulted the petitioners side for which Mufassil P.S. Case No. 439 of 2014 was registered on 10.12.2014 making accusation under sections 341,323,324,307 and 504/34 IPC. The FIR was lodged by the petitioners side on 10.12.2014 at 3.30 P.M. whereas the present FIR was registered on the same day at 3.45 P.M. No injury was caused to the informant side and the accusation is omnibus and general. It is further submitted that the occurrence took place in the house of the informant. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the case lodged by the petitioners side at earlier point of time and the accusation is omnibus and general, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, East Champaran at

Motihari in connection with Motihari Mufassil P.S. Case No. 440
of 2014 subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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