

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8414 of 2016

Arising Out of PS.Case No. -250 Year- 2015 Thana -PIPRA District-  
EASTCHAMPARAN(MOTIHARI)

1. Poondeo Rai @ Punde Rai son of Late Timan Rai,  
2. Dinesh Rai son of Poondeo Rai @ Punde Rai, Both Residents of  
Village- Jamuniya, Police Station- Pipra, District- East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioners and the learned  
Special P.P. for the State.

The petitioners apprehend their arrest in connection with  
Pipra P.S.Case No. 250 of 2015 registered for offences punishable  
under Sections 417, 420, 370, 371, 307/34 of the Indian Penal  
Code.

The prosecution case, in brief, is that the informant  
Rohit Manjhi sent his brother to Haryana on the request of the  
petitioners, who were labour contractors. His brother Punit Manjhi  
went with the petitioners at Haryana and after some time the  
petitioners sold the brother with other persons who tortured the  
brother of the informant with electric shock as a result of which

the brother of the informant received grievous injuries and was under treatment at Sadar Hospital, Motihari.

It has been submitted by the learned counsel for the petitioners that the petitioners are innocent and only allegation upon them is that they took the brother of the complainant/informant to Panipat (Haryana) for work. He has further been submitted that none of the witnesses have supported the case of the prosecution and the victim, Punit Rai has also not named them.

It has further been submitted that the date of occurrence as alleged in the complaint case is between 01.06.2015 to 28.08.2015 and the date of occurrence as alleged is 10.07.2015 although the complaint case has been filed an inordinate delay i.e. 09.09 2015. He submits all the independent witnesses in the case diary have stated that the brother of the informant died after falling from the roof in drunken state, which has also been supported by the supervision note of the S.D.P.O., Chakiya.

Learned counsel for the informant submits that the petitioners had taken his brother, Punit Rai (deceased) to Panipat.

Learned A.P.P. also submits that the petitioners had taken his brother Punit Rai (deceased) for work as Mazdoor at Panipat and being ill treated by them, the brother of the informant

succumbed to the injuries.

Be that as it may, let the petitioners, above named, 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 only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Pipra P.S.Case No. 250/2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

**(Nilu Agrawal, J)**

Sudha/-

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