

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33781 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -PIPRAHI District- SHEOHAR

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1. Hari Rai S/o Late Gagan Deo Rai
 2. Upendra Rai S/o Ram Bichar Rai
 3. Mukesh Kumar @ Mukesh Kumar Rai S/o Bhola Rai
 4. Rameshwar Rai Son of Bhola Rai
 5. Sandeep Raut Son of Ram Shrestha Raut
 6. Jinis Raut Son of Kishun Raut
 7. Ram Shrestha Raut Son of Late Jagan Raut
 8. Madhurendra Kumar Singh @ Madhurendra Kumar S/o Ram Kripal Singh
 9. Rajendra Rai Son of Gagandeo Rai
 10. Ujjawal Kumar Son of Ash Narayan Singh
 11. Ankit Kumar Son of Ram Nihora Singh
 12. Ram Vilash Rai Son of Sant Rai
 13. Pawan Kumar Son of Vishun Deo Singh
 14. Rakesh Rai @ Rakesh Kumar Son of Hari Rai
 15. Rajesh Rai Son of Hari Rai All resident of village - Bairiya, P.S. Piprahi, Distt. - Sheohar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Opposite Party/s : Mrs. Anusuiya Jaiswal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Piprahi P.S. Case No. 44 of 2016 registered for the offence
punishable under Sections 307, 379 and other allied sections of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 20.05.2016 at



about 6:30 P.M. informant along with Santosh Kumar Singh was going towards his Khalihan and when they reached near Ram Janki Mandir, accused Hari Rai, Upendra Rai, Mukesh Kumar and Rameshwar Rai started abusing them and they were saying that their candidate of Mukhiya Sarita Devi has lost election, as informant had not cast vote in her favour and accused persons attacked on the informant. In the meantime, accused persons, namely, Jinis Raut, Ramsresht Raut, Madhurendra Kumar Singh, Gajendra Rai, Ujjawal Kumar, Ram Vilas Rai, Pawan Kumar, Rakesh Rai and Rajesh Rai along with their 20-25 associates armed with lathi, spear and farsa came there and surrounded the informant and Santosh Kumar Singh and started assaulting them. Ram Vinay Singh and Deepak Kumar came to save the informant and Santosh Kumar Singh, but they were also assaulted by the accused persons by lathi due to which Ram Vinay Singh became unconscious and fell down. Informant and others also sustained injuries on the head. Accused Hari Ram was instigating other accused persons. Accused Mukesh Kumar made firing by katta and due to fear villagers ran away from there. Informant also alleged that a golden chain and Rs. 15,000/- from his pocket and a watch and golden ring from Santosh Kumar Singh were also snatched by the accused persons.



It has been submitted by the learned counsel for the petitioners that due to on going election of Mukhiya of the Gram Panchayat, there was a free fight between both the parties for which Piprahi P.S. Case No. 47 of 2016 has been lodged by the petitioners' side. It has further been submitted that as many as 15 persons have been named in the First Information Report and the allegation is general and omnibus. He further submits that petitioners have no criminal history, as is evident from paragraph 3 of this application and no case under Section 307 of the Indian Penal Code is made out against them, as the injuries on the informant's side have been found to be simple in nature caused by hard and blunt object.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report and hence, opposes the prayer for bail.

Be that as it may, since there is general and omnibus allegation and the injuries have been found to be simple in nature, 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 bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st

Class, Sheohar in connection with Piprahi P.S. Case No. 44 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

Arjun/-

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