

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53177 of 2016

Arising Out of PS.Case No. -172 Year- 2016 Thana -RUNISAIDPUR District- SITAMARHI

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Lal Bihari Rai, Son of Late Ram Lochan Rai, Resident of Village -
Kodariya, P.S. Runnisaidpur, District Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Manoj Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 16-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Runnisaidpur P.S. Case No. 172 of 2016 registered under Sections
323, 307, 376, 313, 406, 420, 452, 380 and 384/34 of the Indian
Penal Code and Section 3/4 of the Witch Craft Practices Act.

The accusation of complainant is that he used to reside
in Punjab in connection with his livelihood and his wife and two
minor children used to live in village. On taking advantage of the
absence of the complainant, accused no. 1, Bhune Rai, developed
physical relation with his wife, consequently, she became
pregnant. After knowing about the pregnancy, accused no. 1,
Bhune Rai, his wife, Chhoti Devi, daughter Anita Devi and
petitioner with intention to abortion of pregnancy entered in his



house and dragged the wife of the complainant on the ground and caused injury. Thereafter, she was taken at the clinic of Dr. Anish Kumar and got removed her uterus after abortion.

Learned counsel for the petitioner submits that allegation of developing physical relation with the wife of the informant is against accused Bhunne Rai and not against the petitioner. The petitioner is neighbour of informant and he has falsely been implicated in this case due to ulterior motive. It is further submitted that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Runnisaidpur P.S. Case No. 172 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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