

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11764 of 2016

Arising Out of PS.Case No. -628 Year- 2015 Thana -BIHTA District- PATNA

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1. Butan Rai @ Ganga Son of late Rambriksh Rai
2. Lalita Devi Wife of Butan Rai Alias Ganja Rai Both residents of Village -
Goria Dera, Purainia, P.S. - Bihta, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav

For the Opposite Party/s : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-05-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with Bihta P.S.
Case No. 628 of 2015 registered for the offences punishable under
Sections 307 and 302/34 of the Indian Penal Code.

Allegedly, the petitioners started assaulting the mother
of the informant wherein the petitioner Butan Rai was assaulting
with butt of pistol and Lalita Devi had caught hold the mother of
the informant and then the mother of the informant was brought at
Bihta Police Station and thereafter, she was treated and when the
informant returned to his house he saw the petitioners coming out
from his house being armed and inside the house, the informant

saw Suresh Rai, his father, unconscious and then he was brought at Danapur hospital and from there he was referred to Patna and there he was admitted in private hospital where he died on 25.07.2015.

Submission is of false implication and that there is case and counter case, as a matter of fact the son of the petitioners, Kabi Raj was assaulted by Suresh Rai and Subodh Kumar on 19.07.2015 and for that Bihta P.S. case No. 554 of 2015 has been registered. The petitioners have been implicated only with a view to counter the allegation. There is no eye witness of the occurrence and informant has claimed only that petitioners were seen coming out of the house and, as such, the petitioners deserve sympathetic consideration to which the learned APP seriously opposes by submitting that the petitioners were seen fleeing away from the house of the informant after committing the crime and witnesses have also supported the same.

In the facts and circumstances stated above, considering that petitioner No. 2 Lalita Devi is a lady and she by remaining in custody has been sufficiently penalized at this stage and, as such, she is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM,

Dabapur in connection with Bihta P.S. Case No. 628 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

So far as, petitioner no. 1 Butan Rai @ Ganga is concerned, considering the allegation attributed against him, I am not inclined to enlarge him on bail and accordingly, his such, prayer stands rejected in connection with Bihta P.S. Case No. 628 of 2015 pending in the court of learned ACJM, Danapur.

(Jitendra Mohan Sharma, J)

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