

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34988 of 2016

Arising Out of PS.Case No. -183 Year- 2011 Thana -NANHPUR District- SITAMARHI

- =====
1. Jai Nath Rai, son of Rabindra Rai
 2. Binay Rai, son of Jai Nath Rai
 3. Sonu Rai @ Monu Rai, son of Jai Nath Rai
- All R/o village Batra, P.S.- Nanpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016

Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners apprehend arrest in connection with
Nanpur P.S. Case No. 183/11 for offences alleged under Sections
341, 323, 337, 302/34 of the Indian Penal Code.

Allegation is that Sharda Devi and Mundrika
Devi assaulted the wife of the informant with stone and other
accused persons assaulted her by *lathi*, *danda* and when the
informant went to save his wife, Sharda Devi and Mundrika Devi
again assaulted her wife with stone in abdomen, on which she
became unconscious, and in course of treatment at S.K.M.C.H.,
Muzaffarpur she died.



It has been submitted by the learned counsel for the petitioners that they are agnates, there was land dispute between the parties and the immediate cause of occurrence was fight between the children of two parties in which Sarda Devi and Mundrika Devi assaulted the wife of the informant, as a result of which she succumbed to the injuries. He submits that there is no specific allegation against the petitioners and the main accused Mundrika Devi has since been granted the privilege of bail on the basis of the observations of this Court and other co-accused Baiju Rai and Sharda Devi have also been granted the privilege of bail. He further submits that the petitioners were not sent up for trial and the police also submitted final form in which petitioners were not charge-sheeted but the learned Magistrate took cognizance against these petitioners.

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

Be that as it may, let 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) each with two sureties of the like amount each to the satisfaction of learned Chief

Judicial Magistrate, Sitamarhi, in connection with Nanpur P.S.
Case No. 183/11, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

Rajesh/-

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(Nilu Agrawal, J.)