

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20476 of 2016

Arising Out of PS.Case No. -42 Year- 2015 Thana -PATORI District- SAMASTIPUR

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1. Ram Naresh Rai, son of Nunu Rai
 2. Shankar Paswan, son of Ram Prasad Paswan
 3. Baidhnath Paswan @ Baijnath Paswan, son of Late Rupan Paswan. All are residents of Village- Dakshini Dumri Patori (Mohanpur O.P.), P.S.- Patori, District - Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nilesh Kumar, Advocate

For the Opposite Party : Mr. Sadanand Paswan (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 05-10-2016

Heard both sides.

Petitioners namely Ram Naresh Rai, Shankar Paswan and Baidhnath Paswan @ Baijnath Paswan seek bail in Patori P.S. case no. 42 of 2015 registered under Sections 147, 148, 149, 307, 302/34 of the Indian Penal Code, Section 27 of the Arms Act, Sections 3(1)(x) and 3(2)(V) of the Scheduled Castes and Scheduled Tribes Act.

Learned counsel for the petitioners submit that the petitioners are alleged to have assaulted the deceased with lathi. Manoj Rai is said to have fired from pistol and Rajesh Rai is said to have assaulted the deceased with sword. Earlier bail of the



petitioners was rejected vide order dated 30.06.2015 passed in Cr. Misc. nos. 14355 of 2015 and Cr. Misc. no. 14269 of 2015 with a direction to the Trial Court to conclude the trial within nine months and if the trial is not concluded within nine months, the petitioners may renew his prayer for bail. In pursuance thereof, petitioners filed this present bail application.

It appears that Manoj Rai is alleged to have fired causing injury on the leg of the husband of the informant and consequently, her husband fell down on the ground. Rajesh Rai assaulted him with sword and other accused persons are alleged to have assaulted the deceased with lathi. Rajesh Rai and Saroj Rai whose case stand on the same footing as that of the petitioners have already been granted bail vide order dated 03.11.2015 passed in Cr. Misc. no. 37092 of 2015 and order dated 17.02.2016 passed in Cr. Misc. no. 58019 of 2015 respectively. Petitioners are languishing in jail custody since 03.02.2016. Petitioners have already remained in jail for about one year and eight months.

Considering the facts aforesaid, the abovenamed petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge for

Scheduled Caste and Scheduled Tribe Act-cum-Addl. District and
Sessions Judge, Samastipur in Patori P.S. case no. 42 of 2015.

(Prabhat Kumar Jha, J.)

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