

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26692 of 2016

Arising Out of PS.Case No. -147 Year- 2016 Thana -MASRAKH District- SARAN

1. Raja Rai @ Rajnarain Rai S/o Late Sadhu Rai
2. Magister Rai S/o Sakhi Chandra Rai
Both resident of Village- Kawalpura, P.S. - Mashrak, District-Saran at Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 11-07-2016 Heard Sri Dewendra Narayan Singh, learned counsel for the petitioners, Sri Jitendra Kumar Singh, learned A.P.P. as well as learned counsel, who has voluntarily appeared on behalf of the informant.

Two petitioners, who are in custody have prayed for grant of bail in connection with Mashrak P.S. Case No. 147 of 2016 registered for the offence under Section 147, 148, 149, 323, 341, 307, 504 , 506 of the Indian Penal Code, Section 27 of the Arms Act and subsequently section 302 of the Indian Penal Code was added.

It was submitted by learned counsel for the petitioners that on perusal of the F.I.R. itself it is evident that there is no

specific accusation against the petitioners save and except that petitioners were one of the members of the mob. He further submits that there is specific accusation against one Sriram Rai, who was alleged as order giver and there is allegation of firing against one Swami Nath Rai and Bhikhar Rai. Regarding petitioners save and except that they were members of the mob, there is no accusation. It has further been argued that during investigation material has come to suggest that on the date of occurrence Swami Nath Rai was not at the place of occurrence rather he was at election duty. He has also argued that occurrence had taken place near the election booth.

Learned A.P.P. as well as learned counsel for the informant have opposed the prayer of bail. It was submitted that there is specific accusation that all the accused persons arrived at the place of occurrence and occurrence had taken place.

I have perused the F.I.R. It is evident that save and except the fact that petitioners were one of the members of the mob, there is no specific accusation against the petitioners. Accordingly, let both the petitioners namely **Raja Rai @ Rajnarain Rai and Magister Rai** be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of

learned Chief Judicial Magistrate, Saran at Chapra in connection
with Mashrak Police Station Case No. 147 of 2016.

(Rakesh Kumar, J)

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