

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29688 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -BAIKUNTHPUR District- GOPALGANJ

- =====
1. Hira Rai S/o Late Dukhi Rai @ Late Darbi Rai
 2. Chhathi Devi W/o-Hira Rai, Both are Resident of Village-Banaura,
P.S.-Baikunthpur, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Baikunthpur
P.S. Case No. 62 of 2017 for offences punishable under Sections
147, 148, 149, 323, 324, 307, 302 and 447 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that the petitioner no. 1 who is his uncle had kept some wood near
the Tati of his house and when his brother asked him to remove
the wood, the petitioner along with six others variously armed with
Farsa, Lathi and sword came and started assaulting the informant
side. When the father of the informant Raghuveer Rai came to
rescue him co-accused Devendra Rai gave Farsa blow on his head



on which during course of treatment he succumbed to the injury.

It has been submitted by the learned counsel for the petitioners that they are innocent, no specific allegation has been levelled against them and both sides are agnates. He submits that the main allegation is upon co-accused Devendra Rai and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He submits that petitioners are husband and wife and languishing in judicial custody since 19.03.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record since the allegation against the petitioners is of unlawful assembly and member of the mob, let petitioners, above named, be enlarged 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 Additional Chief Judicial Magistrate, III, Gopalganj in connection with Baikunthpur P.S. Case No. 62 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the



petitioners and that petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Devendra/-

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