

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33469 of 2017

Arising Out of PS.Case No. -81 Year- 2016 Thana -KARJA District- MUZAFFARPUR

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1. Umesh Rai,
2. Rahul Rai
Both S/o Bindeshwar Rai, R/o Jhakhra Shekh, P.S.- Karja, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh

For the Opposite Party/s : Smt. Anita Kumari Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
26.04.2017 in connection with Karja P.S. Case No. 81/2016 for
offences punishable under Section 307 and other allied Sections of
the Indian Penal Code and later on Section 302 IPC has been
added.

The prosecution case, as lodged by the informant, is
that while his mother was sitting at the door of the house, the
petitioners along with three other co-accused variously armed with
weapons came and allegation upon the petitioner no. 1 is of
abusing his mother and petitioner no. 2 along with one Ramesh



Rai is alleged to have inflicted farsa blow on two year old daughter of the informant Shivani Kumari, as a result of which she was seriously injured and succumbed to the injuries during course of treatment. The dispute is with regard to property and earlier also threatening was given by the accused persons.

It has been submitted by the learned counsel for the petitioners that they are innocent, have been falsely implicated in the aforesaid case and prior to the aforesaid incident the informant's side had also assaulted the petitioners' side for which Karja P.S. Case No. 82/2016 was instituted. He submits that the deceased child was a weak child and was sitting on the lap of the informant's mother, who fell down from the lap of the informant's mother and no such injury has been found in the C.T. Scan. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the post mortem report suggests injury caused by sharp edged weapon and cause of death is also due to haemorrhage and injury. He further submits that petitioner no. 2 along with other co-accused Ramesh Rai caused farsa blow on the deceased.



Considering the facts and circumstances and the materials on record, let petitioner no. 1, who is alleged to have abused the informant's mother, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Karja P.S. Case No. 81/2016, subject to the condition that one of the bailors would be a close relative of petitioner no. 1 and petitioner no. 1 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 his bail bonds.

So far petitioner no. 2 is concerned, there is direct allegation of hitting the deceased by farsa, as such, his bail application is rejected.

(Nilu Agrawal, J)

Rajesh/-

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