

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14355 of 2017

Arising Out of PS.Case No. -161 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Shivnath Rai, son of Lachhan Rai
 2. Ran Narayan Rai son of Late Parikshan Rai
 3. Basant Rai, son of Chandeshwar Rai, all are resident of Village-
Andhara, P.S.- Parsauni, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rakesh Ambastha

For the Opposite Party : Mr. Prem Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 16-05-2017 Heard the learned counsel for the petitioners as well

as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Complaint- Cum- Protest Case No. C-1/161 of 2016/ Tr. No. 2236 of 2016 for the offences punishable under sections 323 and 354 of the I.P.C.

The instant case has been instituted on the basis of the protest- complaint case wherein cognizance has been taken under sections 323 and 354 of the I.P.C. Earlier to that the complainant has lodged Persauni P.S. Case No. 79 of 2014 for the offences under sections 323, 447, 376, 511 and 34 of the I.P.C. against



these petitioners but after proper investigation the investigating officer has submitted final form no. 94 of 2014 on 27.07.2014 stating therein that the allegation leveled against them is not correct and thereafter the protest-complaint has been filed and cognizance has been taken. The petitioner no.3 has lodged Persauni P.S. Case No. 72 of 2014 against Ram Babu Patel, Ram Ayodhi Rai, the husband of the complainant, and others for the offences under sections 302, 307 and other allied sections of the I.P.C alleging therein that they have brutally assaulted Shivji Rai who died later on. Persauni P.S. Case No. 79 of 2014 was lodged in retaliation wherein final form was submitted and as such the petitioners deserve sympathetic consideration. It is not possible for the petitioners to present at the place of occurrence when his own brother (petitioner no.3) was hospitalized.

The learned A.P.P. submits that after enquiry cognizance has been taken. Earlier in this case final form was submitted.

In the facts and circumstances as stated above, considering that during investigation the police has not found the case true and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. Sri Vipin Lawania, J.M. 1st Class, Sitamarhi in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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