

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19413 of 2017

Arising Out of PS.Case No. -448 Year- 2016 Thana -PATORI District- SAMASTIPUR

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1. Dharmendra Rai,
 2. Pintu Rai, Both sons of Gama Rai,
 3. Amarjeet Rai,
 4. Sobha Rai, Both sons of Bindeshwar Rai,
 5. Bindeshwar Rai,
 6. Heera Rai, Both sons of Late Jodhi Rai,
 7. Rajbir Rai,
 8. Gama Rai,
 9. Rama Rai, All sons of Late Shanker Rai,
 10. Nagendra Rai, son of Bhooleswar Rai,
 11. Karu Rai, son of Late Ramsakal Rai, All are residents of Village- Chandpur, P.S.- Patori, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Prasad Singh, Advocate.
For the Opposite Party/s : Mr. S.N.P. Sinha, Sr. Advocate.
Mr. Rohit Kumar, Advocate.
For the State : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 26-07-2017 Learned counsel for the petitioners submits that petitioner nos. 5, 7 and 9, Bindeshwar Rai, Raibir Rai and Rama Rai have been arrested by the police, so he seeks permission to withdraw this application against them.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner nos. 5, 7 and 9.

The petitioner nos. 1, 2, 3, 4, 6, 8, 10 and 11



apprehend their arrest in connection with Patori P.S. Case No. 448 of 2016, registered under Sections 147, 148, 341, 323, 324, 504 and 525 of the Indian Penal Code.

Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The accusation is that 11 persons named in the F.I.R. including the petitioners came near Natho Rai variously armed with weapons and caught hold to Natho Rai due to lodging of case by his grandson, Shiv Ranjan. At that time, petitioner nos. 1, 3 and 11 asked to kill him, on which, petitioner nos. 1, 2 and 11 caused injury through Farsa at the head of Natho Rai. Thereafter, all accused persons assaulted to Natho Rai through lathi, Danda and but of gun at his chest, back and hand. When Pankaj Rai came to save him then he was assaulted by petitioner nos. 1 and 11. Mohan Kumar was also assaulted by the accused. When, Shiv Ranjan Rai also came to save then he was also assaulted by petitioner nos. 1 and 11 through Farsa.

Learned counsel for the petitioners submits that while the injuries were found on the person of Pankaj Rai, Natho Rai and Mohan Kuamr, as detailed in paragraphs 43, 44 and 47 of the case diary but nature of injuries are not detailed in respect of Pankaj Rai, Natho Rai and the injury of Mohan Rai is simple in



nature caused by hard and blunt substance.

Considering the aforesaid submissions, let the above named petitioner nos. 1, 2, 3, 4, 6, 8, 10 and 11 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Samastipur, in connection with Patori P.S. Case No. 448 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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