

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15301 of 2017

Arising Out of PS.Case No. -433 Year- 2016 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jhakhar Rai @ Ram Chandra Rai, son of Late Birchha Rai.
 2. Rajeshwar Rai, son of Jhakhar Rai @ Ram Chandra Rai.
 3. Nand Kishore Rai @ Nand Kishore Yadav, son of Jhakhar Rai @ Ram Chandra Rai.
 4. Akhilesh Rai @ Akhilesh Kumar, Son of Dhrub Rai.
 5. Mukhesh Rai @ Mukesh Kumar, S/O Dhrub Rai.
 6. Sunaina Devi, W/O Rajeshwar Rai.
 7. Manish Kumar, son of Rajeshwar Rai.
- All resident of village- Chaimurarpur Tola Baghaut, Police Station –
Harsidhi, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 23-08-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Harsidhi P.S. Case No. 433 of 2016, registered under
Sections 341, 347, 323, 324, 307, 427, 354, 379 and 504/34 of the
Indian Penal Code.

The accusation is that eleven persons named in the
F.I.R. including the petitioners having lathi and stick came at the
door of the informant, Harilal Yadav, and started to abuse him.
When the informant made protest then on the order of Jhakhar Rai



(petitioner no. 1), all accused chased to the informant for causing injury, on which, the informant entered in his house. Thereafter, Rajeshwar Rai (petitioner no. 2) and Dhruv Rai folded the informant in the Chouki and Birendra Rai pointed the pistol on his temporal region and got his thumb impression on plain stamp paper. When Abha Devi and Sripati Devi, daughters-in-law and Phulpati Devi, wife of the informant, rushed to save him then they were also assaulted. At that time, Rajeshwar Rai (petitioner no. 2), Satyendra Rai and Nand Kishore Rai (petitioner no. 3) tore the blauze and sari of daughters-in-law of the informant. In the meantime, Akhilesh Rai, with intention to kill pressed the neck of Phulpati Devi, wife of the informant through Sari. Thereafter, they also looted the household articles and ornaments from the house of the informant.

Learned counsel for the petitioners submits that petitioners and the informant are agnates and due to petty dispute occurrence took place, in which, petitioner's side also sustained injury, regarding which, Harsidhi P.S. Case No.432 of 2016 is also instituted on the basis of written report of Suraina Devi, wife of petitioner no. 2. Further submission is that while the allegation has been made about causing injury to the informant and his two daughters-in-law but in paragraph 22 of the case diary, it has come



that no injury report has been detailed and injured were treated in the village.

Having regard to the facts and circumstances of the case, let the above named petitioners 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, East Champaran, Motihari, in connection with Harsidhi P.S. Case No. 433 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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