

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.54 of 2017

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1. Rupesh Ray S/o Giro Ray @ Kapildeo Ray
 2. Rajo Ray S/o Kapildeo Ray
 3. Bauni Ray S/o Late Ram Ray
 4. Ramu Sharma S/o Baudhi Sharma
 5. Gautam Sharma S/o Sudarshan Sharma Appellants no. 1 to 5
are R/o village- Singhia Tola, Lauwa Lagan, P.S. Chausa,
District Madhepura
 6. Marshall Ray R/o Vil + P.S. Dhamdaha, District-Purnea

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jagannath Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 30-03-2017 Heard learned counsel for the appellants as well as
learned Special Public Prosecutor.

The appellants, who are under custody, have prayed for grant of regular bail after having been refused by the court of Additional Sessions Judge, 1st Madhepura under B.P. No. 556 of 2016 relating to Chousa P.S. Case No. 29 of 2015.

Rajendra Rajak had filed written report on 3.4.2015 disclosing therein that during the course of construction of a thatched house over their land, the persons so named therein along with others armed variously came and began to assault him. They



have also assaulted Munni Rajak, Akhilesh Rajak, Shaguni Devi, Manjula Devi, Manoj Rajak, Kukesh Rajak, Mithun Rajak, Rajo Rajak and Buchia Devi, as a result of which Munnilal Rajak died subsequently. The informant also alleged that they have been dispossessed.

Learned counsel for the appellants has submitted that in similar facts and circumstances of the case, other co-accused have been bailed out in Cr. Misc. No. 5392 of 2016 and Cr. Misc. No. 16385 of 2016. As there happens to be no specific allegation against any of the accused, on account thereof the case of the appellants stood on similar footing than that of those accused.

The learned Special Public Prosecutor has opposed the prayer, but accedes to the submission that no specific allegation has been attributed against any of the appellants. Furthermore, it has also been submitted that charge sheet had already been filed.

Under the aforesaid facts and circumstances of the case, setting aside the order dated 30.9.2016 passed by the Ist Additional Sessions Judge, Madhepura in B.P. No. 556 of 2016, the appellants, Rupesh Ray, Rajo Ray, Bauni Ray, Ramu Sharma, Gautam Sharma and Marshall Ray each are directed to 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 Shri Ashok Kumar-II, learned Judicial Magistrate 1st Class,
Udakishunganj, Madhepura in connection with Chousa P.S. Case
No. 29 of 2015.

Consequent thereupon, appeal is allowed.

(Aditya Kumar Trivedi, J)

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