

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3949 of 2017

Arising Out of PS.Case No. -119 Year- 2016 Thana -MUSAHRI District- MUZAFFARPUR

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1. Sanjay Rai, Son of Ramdhar Rai,
 2. Parmanand Rai, Son of Ramdhar Rai, 1 & 2 Resident of village- Mohammadpur Sura, P/s- Gaighat, District- Muzaffarpur.
 3. Sanjiv Rai, Son of Parmeshwar Rai, Resident of village- Madhaul, P/s- Kurhani, District- Muzaffarpur.
 4. Mukesh Rai @ Mukesh Kumar, Son of Ram Babu Rai, Resident of village- Mominpur, P/s- Musahari, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-02-2017 Heard learned counsel for the petitioner and the learned counsel representing the State.

The petitioners apprehend their arrest in connection with Musahari P.S Case No. 119/16 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 324 and 504 of the Indian Penal Code.

Allegedly, the petitioners and co-accused Ram Babu Rai being armed, started abusing Lalan Rai, the brother of the informant and further started assaulting him and when the informant came for rescue, co-accused Ram Babu Rai gave Farsa blow with intention to kill the informant causing head injury and



when Bajarangi Rai, the father and younger brother Shiv Chandra Rai came to save the informant, they were also assaulted by iron rod, Lathi and spear by them.

Submission is of false implication and that against the petitioners no offence under Section 307 IPC is made out. Bajarangi Rai has received three injuries out of which injury nos. 1 and 2 are simple caused by penetrating object. Shivchandra Rai and Lalan Rai have also received simple injuries caused by hard and blunt substance. The informant was assaulted by co-accused Ram Babu Rai by Farsa and against the petitioners there is no specific allegation rather the allegations are omnibus and general in nature and, as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering the injury reports and further that there is no specific allegation against them and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of the 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 learned Sub Judge-III cum Additional Chief



Judicial Magistrate, Muzaffarpur in connection with Musahari
P.S. Case No. 119 of 2016, subject to the conditions as laid down
in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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