

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51840 of 2017

Arising Out of PS.Case No. -403 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Binod Rai, Son of Late Lagan Rai
2. Ashok Rai, Son of Late Lagan Rai
3. Sumila Devi, Wife of Binod Rai, All are Resident of Village-Harajpur
P.S.-Muffasil, Motihari, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 06-11-2017 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Muffasil P.S. Case No. 403 of 2015 registered under Sections
379, 323, 341, 324 and 307/34 of the Indian Penal Code.

The accusation is that, on 24.08.2015, when the
complainant-informant, Lagan Rai, was sitting at his cattle-shed
after selling the grains of Rs.57,000/- for clearing his debts. At
that time, petitioner nos. 1 and 2, Binod Rai and Ashok Rai, both
sons of informant, and petitioner no. 3, Sumila Devi, wife of
petitioner no. 1, came there and made demand of cash then
informant refused to give money, on which, they started to cause
assault to the informant through lathi. At that time, Promod Kumar
Rai, another son of the informant, came there then he was also



assaulted by petitioner no. 1 Binod Rai. In the meantime, petitioner nos. 1 and 2 forcibly took cash of Rs.57,000/- from his pocket.

Learned counsel for the petitioners submits that, in fact, petitioner nos. 1 and 2 asked his father, complainant-informant, for partition of the land but the complainant-informant refused and on the pressure of Promod Kumar Rai, another brother of petitioner nos. 1 and 2, the complainant-informant lodged the present case with false case. Further submission is that petitioner no. 3 has false also falsely been implicated in this case as she is the wife of petitioner no. 1.

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, Motihari, East Champaran, in connection with Muffasil P.S. Case No. 403 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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