

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24891 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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1. Nisibilal Rai @ Nisibilal @ Nisibi Rai, Son of Late Dhanraj Rai,
2. Mukesh Rai, Son of Nisibilal Rai @ Nisibilal @ Nisibi Rai.
3. Moti Rai, Son of Manoj Rai, All resident of Village- Jagdishpur, P.S.-
Raghopur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.N.P Sinha, Sr. Advocate Miss Rashmi Bharti, Advocate
For the Informant	:	Mr. Prakash Kumar, Advocate Mr. Saket Gupta, Advocate
For the State	:	Mr. Nand Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 24-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

This is a case registered under Sections 147, 148, 149, 341,
323, 324, 302, 448, 504 and 307 of the Indian Penal Code.

It is submitted by the petitioners' counsel that falsity of the
allegations is evident from the fact that there is total inconsistency
between the allegations made in the statement recorded in the day
on 10.10.2017 at Patna where the victim was treated at PMCH and
the FIR which has been lodged in the night on the same date at
Vaishali. He points out that with respect to petitioners no. 1 and 3
nothing has been alleged against them in the initial statement at
Patna. He also submits that with respect to petitioner no. 2 also the
informant has repeated and improved the allegation in his



restatement. The informant and the petitioners are agnates and there is subsisting dispute between them since before. Having no criminal antecedent the petitioners are in jail custody since 9.11.2017. Other than the general allegations there is nothing against the petitioner.

In the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on their furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **Additional Chief Judicial Magistrate, IV, Vaishali at Hajipur in Raghopur P.S. Case No. 116 of 2017** subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners.
- (ii) That the Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

Prakash/-

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(Madhuresh Prasad, J)

