

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39948 of 2018

Arising Out of PS.Case No. -193 Year- 2018 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. Upendra Rai, Son of Ram Prakash Rai,
2. Santosh Kumar @ Santosh Rai, Son of Ram Prakash Rai, Resident of
Village- Korbaddha Laguniya, Suryakanth, Police Station- Samastipur
(Mufasil), District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 11-07-2018 Heard both sides.

The petitioners apprehend their arrest in
Samastipur(M) P.S. Case No.193 of 2018 registered under
Sections 147, 149, 448, 341, 323, 313, 379, 504, 506, 509 of the
Indian Penal Code.

The complainant Ram Prit Rai filed Complaint Case
No.1923 of 2017 on 27.11.2017 alleging therein that when the
informant chided Mantun Kumar, all the accused persons having
armed with different weapons came and assaulted the
complainant. When Sangeeta Devi came to save the complainant,
the accused persons also assaulted her with fist and slab on



account of which the child in her stomach was found dead.

The learned counsel for the petitioners submits that the occurrence took place on 17.10.2017 but the complaint petition was filed on 27.11.2017 on the basis of which present F.I.R. was lodged on 06.04.2018. It is further submitted that the informant, Ramprit Rai is own brother of Ram Prakash Rai and Ram Prakash Rai is father of petitioner Nos.1 and 2. There is a land dispute between two brothers. Earlier a proceeding under Section 144 Cr.P.C. was also initiated between two brothers prior to institution of this case. Ram Prakash Rai filed Samastipur(M) P.S. Case No.640 of 2017 on 28.10.2017. Ram Prakash Rai alleged that the informant Ramprit Rai, his sons and other family members assaulted him and his family members.

There appears that the informant and accused no.1, Ram Prakash Rai are own brother. Both brothers are fighting with each other on account of some land dispute. The present case is alleged to have taken place on 17.10.2017 but the complaint itself was filed on 27.11.2017 i.e. after more than one month and ten days but no plausible reason has been assigned for institution of the case after a long time.

Considering the facts aforesaid, the petitioners, above named, in the event of their arrest or surrender before the learned



court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Samastipur, District-Samastipur in connection with Samastipur(M) P.S. Case No.193 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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