

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18464 of 2018

Arising Out of PS.Case No. -537 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Naresh Rai, S/o Dhodhai Rai,
 2. Suresh Raj @ Suresh Rai S/o Dhodhai Rai,
 3. Ramesh Rai S/o Dhodhai Rai,
 4. Fulmati Devi W/o Dhodhai Rai,
 5. Ruplal Rai @ RupaRai S/o Nathuni Rai,
 6. Sikandar Rai S/o Garib Rai,
 7. Sanju Devi W/o Sikandar Rai,
 8. Sonelal Rai S/o Asharfi Rai,

All are R/o Village- Dharmuhan, P.S.- Muffasil, Distt.- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prem Sheela Pandey, Advocate
For the Opposite Party/s : Smt. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection
with Muffasil P. S. Case No. 537 of 2017 registered under
Sections 147, 148, 149, 323, 324, 307, 379, 504 and 506 of the
Indian Penal Code and 3 and 4 of the Prevention of Witch
Practices Act.



It is submitted that during the pendency of the present application preferred under Section 438 of the Code of Criminal Procedure, petitioner no. 2 Suresh Raj @ Suresh Rai has already been arrested by the police.

In view of the above submission, the application for grant of pre-arrest bail of petitioner no. 2 Suresh Raj @ Suresh Rai is disposed of as infructuous.

It is submitted by the learned counsel for the petitioners that the first information report was instituted in retaliation to the case instituted by the petitioner no. 1 Naresh Rai against the informant and his family members vide Muffasil P. S. Case No. 534 of 2017 dated 08.10.2017 registered under Sections 147, 148, 149, 323, 324, 354-B, 307, 504 and 506 of the Indian Penal Code and 3 and 4 of the Prevention of Witch Practices Act. It is further submitted that the petitioners had got no criminal antecedent and having got roots in the society, they are not likely to abscond or tamper with the evidence.

Considering the nature of allegation and the submission made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioner nos. 1, 3 to 8, namely, Naresh Rai, Ramesh Rai, Fulmati Devi, Ruplal Rai @ Rupa Rai, Sikandar Rai, Sanju Devi



and Sonelal Rai are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari (East Champaran) in Muffasil P. S. Case No. 537 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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