

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65235 of 2018

Arising Out of PS. Case No.-308 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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1. Naresh Rai Son of Govinda Rai
 2. Suresh Rai Son of Govinda Rai
 3. Govinda Rai Son of Late Deoraj Rai
 4. Sanjay Rai Son Nandlal Rai
 5. Nandlal Rai Son of Late Deoraj Rai
 6. Bikaurai Son of Kishori Rai
 7. Ajay Rai Son of Nandlal Rai All Resident of Village-Miskot,P.S.
Motihari Town,Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sri Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 354, 324, 308 and 120B of the Indian Penal Code.

The prosecution case as per the written report of Akindar Rai dated 27.05.2018 submitted to the Station House Officer of Motihari Police Station is to the effect that on 27.05.2018 at about 8.30 P.M. while the informant was sitting at his shop, in the meanwhile, all the accused persons variously



armed came and Ali Mian (non-petitioner) pointed country made pistol on the temple of the informant and ordered to kill him since the informant was a witness in Motihari SC/ST P.S. Case No. 33 of 2018 lodged against the father of co-accused Ali Mian, whereupon petitioner no. 1, Naresh Rai assaulted with Farsa on the head of the informant, petitioner no.2, Suresh Rai assaulted with iron rod causing injury below the eye and rest accused persons assaulted the informant with lathi. When the informant's wife Shanti Devi came to rescue, petitioner no.3, Govinda Rai assaulted her with lathi and dashed her as a result she became semi naked. Wife of petitioner no.3, Govinda Rai also assaulted the informant's wife and petitioner no.6, Bikau Rai assaulted with Farsa on the head of the wife of the informant and rest accused persons assaulted her with fists and slaps.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant and there is a counter version of the occurrence also being Motihari Town P.S. Case No. 309 of 2018 and injuries of both the injured have been found to be simple in nature caused by hard and blunt substance as gets reflected from the impugned order. A statement has been made in paragraph 3 of the petition that the petitioners are not



having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the nature of accusation and there is a counter version of the occurrence also, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 308 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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