

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45419 of 2018**

Arising Out of PS.Case No. -126 Year- 2018 Thana -BAJPATTI District- SITAMARHI

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1. Kailash Rai, S/o Late Ramashray Rai,  
2. Karan Rai S/o Late Thanga Rai, All are R/o Vill.- Blabhiswa, P.S.-  
Bajpati, Block- Pupri District- Sitamarhi. .... Petitioner/s  
Versus  
1. The State of Bihar .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhirendra Pratap Singh, Adv.  
Mr. Niraj Kumar, Adv.  
For the informant Mr. Pushpendra Kumar Singh, Adv.  
For the Opposite Party/s : Mr. Sri Sakir Ahmad, APP 195

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR**  
**TRIVEDI**  
**ORAL ORDER**

3      05-09-2018                      Heard learned counsel for the petitioners as well as  
learned Additional Public Prosecutor.

Petitioners seek regular bail in connection with  
Bajpatti P.S. Case No. 126 of 2018 for the offence punishable  
under Sections 147, 148, 149, 341, 323, 325, 307, 354, 379 and  
447 of the Indian Penal Code.

It has been alleged by the informant, Bindeshwar Rai  
that on the alleged date and time of occurrence, the accused  
persons including these petitioners made house trespass and then  
search out his nephew Shivji Rai, who was assaulted by the  
petitioner, Kailash with axe causing injury thereupon followed by  
assault with iron rod by Ramji Rai . His nephew's wife Rina Devi  
was assaulted by Ram Kripal Rai with garasa over her head and  
then Kailash Rai threw her outraging her modesty.



Gone through the case diary wherefrom, it is apparent that on account of apprehension of petitioners including others, charge-sheet has already been submitted, keeping investigation pending against remaining accused. However, both the injured have not been examined. Furthermore, from the injury report of Shivji Rai, it is evident that he has sustained two incised injuries over his head having dimension of 4" X2" bone deep, 2"X2" bone deep simple in nature. Other injury has been found to be grievous in nature on account of swelling her right elbow joint and fracture has been found after X-ray. Apart from this, witnesses also disclosed that as, Shivji Rai had forcibly cut away the "Seemer tree" of the petitioner, Kailash for which he had registered Bajpatti P.S. Case No. 123 of 2018 that happens to the motive of the instant case. Karan has not specifically been alleged of overt act.

Accordingly, petitioners Kailash Rai and Karan Rai are directed to be released 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 the learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Bajpatti P.S. Case No. 126 of 2018.

**(Aditya Kumar Trivedi, J)**

sushma/ranveer-

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