

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26449 of 2019

Arising Out of PS. Case No.-36 Year-2018 Thana- BATHNAHA District- Sitamarhi

1. KRISHNA KISHOR @ KRISHNA KISHORE Son of Vindeshwar Rai Resident of Village - Sirsia @ Sirsiya, P.S.- Bathnaha, Distt.- Sitamarhi.
2. Sanjiv Kumar @ Sanjit Kumar Son of Maksudan Rai Resident of Village - Sirsia @ Sirsiya, P.S.- Bathnaha, Distt.- Sitamarhi.
3. Santosh Kumar @ Santosh Rai Son of Paltan Rai Resident of Village - Sirsia @ Sirsiya, P.S.- Bathnaha, Distt.- Sitamarhi.
4. Ram Srestha Rai Son of Bujhawan Rai Resident of Village - Sirsia @ Sirsiya, P.S.- Bathnaha, Distt.- Sitamarhi.
5. Bindeswar Rai Son of Late Mauje Rai Resident of Village - Sirsia @ Sirsiya, P.S.- Bathnaha, Distt.- Sitamarhi.
6. Paltan Rai Son of late Bhuwan Rai Resident of Village - Sirsia @ Sirsiya, P.S.- Bathnaha, Distt.- Sitamarhi.
7. Matuk Rai Son of Late Bhuwan Rai Resident of Village - Sirsia @ Sirsiya, P.S.- Bathnaha, Distt.- Sitamarhi.
8. Maksudan Rai Son of Late Bhuwan Rai Resident of Village - Sirsia @ Sirsiya, P.S.- Bathnaha, Distt.- Sitamarhi.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 24-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bathnaha P.S. Case No. 36 of 2018, registered under Section 341, 232, 307, 354, 379, 436, 504 & 506/34 of the Indian Penal Code.

Over row of measurement of thoroughfare



petitioners Krishna Kishore and Santosh Rai slated him. Petitioners Matuk Rai and Maksudan Rai and Ram Srestha Rai torched his hut sprinkling kerosene oil and assaulted him by means of rod when his wife rushed in his rescue, petitioners Santosh Kumar and Bindeswar Rai dragged her on the road, tore her attire and other petitioners slapped her and snatched her golden jewelery.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. The petitioners are quite innocent and have been falsely implicated in this case. There is case and counter case between the parties. There are series of cases pending between the parties. The allegation levelled against the petitioners are not specific rather general and omnibus in nature. Injury sustained by the informant and his wife are simple in nature. Hence, they may be enlarged on bail.

Learned APP for the State opposed the prayer for bail submitting that there is specific allegation against petitioner no.7- Matuk Rai, petitioner no.8-Maksudan Rai and petitioner no.4-Ram Srestha Rai of torching the hut of the informant and the I.O. has also found the hut and house hold articles burnt. Hence, they do not deserve bail.



Having regard to the facts and circumstances of the case, let the above named petitioners, except petitioner no.4-Ram Srestha Rai, petitioner no.7-Matuk Rai and petitioner no.8-Maksudan Rai, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 C.J.M., Sitamarhi in connection with Bathnaha P.S. Case No. 36 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of case, I am not inclined to enlarge petitioner no.4-Ram Srestha Rai, petitioner no.7-Matuk Rai and petitioner no.8-Maksudan Rai on bail. The prayer for their bail is hereby rejected. However, they are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

Accordingly, this application stands disposed of.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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