

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58478 of 2019

Arising Out of PS. Case No.-283 Year-2019 Thana- MADHAURAH District- Saran

1. NARESH RAI, aged about 55 years, Male, Son of Jaleem Rai, Resident of Village - Pachlakh Moorkatwa, P.S.- Parsa, District - Saran (Chapra)
2. Shailesh Rai, aged about 27 years, Male, Son of Fuleshwar Rai, Resident of Village - Tehati, P.S.- Marhowrah, District - Saran (Chapra)
3. Fuleshwar Rai, aged about 60 years, Male, Son of Late Shiv Rai, Resident of Village - Tehati, P.S.- Marhowrah, District - Saran (Chapra)

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Sachida Nand Rai, Adv.

For the Opposite Party : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Marhowrah P.S. Case No. 283 of 2019 for the offences alleged under Sections 341, 323, 325, 379, 307 and 34 of the Indian Penal Code.

The accusation is that informant, Shailendra Kumar, along with his father proceeded in Swift Dezire car for village Angahra for tilak ceremony of his sister. When, they reached on Tehti bridge, five persons, named in the first information report, including the petitioners, and 5-7 unknown, stopped his car, pulled him out and started to cause assault with lathi and danda



in which he sustained blood oozing injury and fell down. In the meantime, Vicky Rai and Sailesh Rai took out the pistol from the waist and pointed at the temple of his father, Baidnath Rai, and uncle, Sita Ram Rai, and took the cash bag, containing Rs.80,000/-, one gold chain and some other documents. At that time, Fuleshwar Rai snatched the gold chain from the neck of his father and his uncle, Sita Ram Rai, was also assaulted through stick.

The submission of the learned counsel for the petitioners is that in fact due to land dispute petitioners have falsely been implicated in this case with false allegation. More over, injuries, as found on the persons of the informant and other injured, are simple in nature, which has been detailed in order, dated 24.07.2019, passed in ABP No. 1601 of 2019 by the Court of the learned Additional Sessions Judge, II, Saran at Chapra.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Marhowrah P.S. Case No. 283 of 2019 shall be



released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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