

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60477 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- BANGARA District- Samastipur

1. MAHENDRA SAH Son of Late Goni Sah Resident of Village - Sirsiya, P.S. N.H.Bangra, Dist.- Samastipur, Wrongly mentioned in FIR as R/o village- Gaddopur, P.S.- N.H. Bangra, Dist.- Samastipur.
2. Shyam Ray (Rai) Son of Late Ram Swarth Ray (Rai) Resident of Village - Gaddopur, P.S. N.H.Bangra, Dist.- Samastipur.

... .. Petitioners.

Versus

The State of Bihar Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Ms. Kumari Vandana, Advocate.
For the State	:	Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with N.H. Bangra P.S. Case No.42 of 2019 registered under Sections 323, 324, 325/34, 341, 354A, 366A, 379, 504, 506 and 511 of the Indian Penal Code.

The accusation is that on 30.03.2019, Rohit Rai along with other accused, named in the F.I.R., including the petitioners, on the point of lathi, rod and pistol tried to took the daughter of the informant forcibly on motorcycle for the purpose of her kidnapping. When the informant and her husband rushed to save her, then Nagendra Rai threw chilly powder in



the eye of the husband of the informant and Nagendra Rai and Rohit Rai committed “Maar-Peet” with lathi and danda, due to which the daughter of the informant sustained fracture injury on her right hand. In that course, they snatched the gold chain of the informant and also torn her clothes. While the villagers of the informant tried to apprehend the aforesaid persons but they succeeded to flee away on the point of pistol.

Submission is that, in fact, the petitioner no.1 is the own brother of the informant, whereas the petitioner no.2 is the labourer of the petitioner no.1. Due to family dispute, the present case has been lodged by the informant after 2½ months of the alleged occurrence. The statement of the daughter of the informant under Section 164 of the Code of Criminal Procedure was recorded after 4½ months of the occurrence but she has not stated anything against the petitioners therein.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Samastipur, in connection with N.H. Bangra P.S.



Case No.42 of 2019, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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