

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15035 of 2020**

Arising Out of PS. Case No.-98 Year-2019 Thana- MAHINDWARA District- Sitamarhi

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Gauri Rai @ Gauri Shankar Ray S/o Late Rajdeo Rai Resident of Village-  
Bakharpur, P.S.- Mahindwara, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Gulnar Begum, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**

ORAL ORDER

3      05-06-2020                      Heard learned counsel for the petitioner and learned

APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Mahindwara P.S. Case No. 98 of 2019 registered for the offence under sections 302, 307 and other sections of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that in the dispute with respect to *rasta* between Kailash Rai and Shiv Bachan Rai, it was felt by Shiv Bachhan Rai that the informant was in favour of Kailash Rai and, as such, he had threatened that he would kill the informant. Subsequently on the date of occurrence, it is stated that Shiv Bachhan Rai and Dinesh Rai started to forcibly take the informant's brother. On



the people of locality objecting to the same, Shiv Bachhan Rai and the other eleven named accused persons including the petitioner came their variously armed and Shiv Bachhan Rai struck with Farsa causing serious injuries on his head.

It is submitted by learned counsel for the petitioner that the post mortem report does not support the allegation as levelled in the FIR. It is further submitted that the investigation of the case is complete and the petitioner, who has no criminal antecedent, is in custody since 7.11.2019. Further that co-accused Shiv Bachhan Rai, against whom the main allegation is levelled, has been enlarged on bail vide order dated 19.3.2020 passed in Cr. Misc. No. 86635 of 2019.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner being in custody since 7.11.2019 and grant of bail to co-accused Shiv Bachhan Rai, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Mahindwara P.S. Case No. 98 of 2019 on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of



the learned C.J.M., Sitamarhi.

**(Partha Sarthy, J)**

sushma/-

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