

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18579 of 2020

Arising Out of PS. Case No.-241 Year-2018 Thana- HATHAURI District- Muzaffarpur

1. Suresh Rai (Male) aged about 25 years
2. Nantun Rai (Male) aged about 50 years, both sons of Late Ram Chandra Rai
3. Upendra Rai (Male) aged about 65 years, S/O Late Basudeo Rai, all resident of village- Berai, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-06-2020 Heard Mr. Chandra Shekhar Anand, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned counsel appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Hathauri P.S. Case No. 241 of 2018 registered for the offence punishable under Section 147, 148, 149, 447, 323, 302 of the Indian Penal Code, 1860 .

The allegation against the petitioners as per the First Information Report is that 14 accused persons, including the petitioners, are alleged to have assaulted the informant and others. It has further been alleged that when Uttim Rai (brother of the informant), came out from his house, then he was



assaulted by Sanjay Rai, Mohan Rai, Jai Nandan Rai and Vijay Rai with iron rod and *farsa*, leading to the death of the brother of informant.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as from perusal of the First Information Report it would be evident that no overt act has been alleged against these petitioners. Learned counsel further submits that there is specific allegation of assault upon four accused persons namely, Sanjay Rai, Mohan Rai, Jai Nandan Rai and Vijay Rai. Learned counsel referring to Annexure- 3 Series to the present bail application submits that similarly situated named accused persons have been granted bail by this Court in Cr. Misc. No. 19464 of 2019, Cr. Misc. No. 48991 of 2019 and Cr. Misc. No. 20276 of 2019 and the petitioners are in custody since 03.01.2020.

Having regard to the submissions made by the parties and taking into consideration the fact that no overt act has been alleged against the petitioners and similarly situated accused have been granted bail by this Court, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/-



(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge - 10- cum- A.C.J.M., Muzaffarpur in connection with Hathauri P.S. Case No. 241 of 2018.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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