

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16774 of 2020

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

1. Prabhu Rai, aged about 65 years, Male, Son of Late Ramdeo Rai
2. Sanjay Rai @ Sanjay Kumar, aged about 32 years, Male, Son of Prabhu Rai
3. Lallan Kumar, aged about 27 years, Male, Son of Prabhu Rai, all resident of Village - Bakharpur, P.S.- Mahindwara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-10-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with Mahindwara P.S. Case No. 98 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that on 19.07.2019 at about 7 P.M., one Pramod Sahni had laid a water pipe across the Government Kharanja road by removing the bricks. The informant and his brother deceased Rajaram Rai went there. Co-accused Shiv Bachchan Rai and Dinesh Rai also went there and they scolded Pramod Sahni for removing bricks from the road. They caught the informant's brother and took their house and



assaulted him. On protest, somehow his brother escaped from there and came to his Darwaja. It is also alleged that the F.I.R. named accused including the petitioners came variously armed with Farsa, Lathi, Danda, Bamboo and co-accused Shiv Bachchan Rai assaulted with Farsa on the head of informant's brother Raja Ram Rai and other accsued assaulted with Lathi, rod and bamboo. When his cousin nephew Bhikhari Rai came to rescue Raja Ram Rai, he was also assaulted by Shiv Bachchan Rai with Farsa blow on his head. Raja Ram Rai was admitted in S.K.M.C., Muzaffarpur where he succumbed to his injury.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. He further submits that the petitioners have got no any criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The main allegation is against co-accused Shiv Bachchan Rai. As far as the petitioners are concerned, general and omnibus allegation has been made against him. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted bail by order dated 16.06.2020 passed in Cr. Misc. No.133 of 2020.

Learned A.P.P. for the State has opposed the prayer for bail.



In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi, District- Sitamarhi in connection with Mahindwara P.S. Case No. 98 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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