

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25075 of 2020

Arising Out of PS. Case No.-75 Year-2019 Thana- HATHAURI District- Muzaffarpur

1. Ram Babu Rai S/o- Late Ramashish Rai Resident of Village- Mahuli, P.S.- Hathauri, District- Muzaffarpur.
2. Ram Nath Rai S/o- Late Mahesh Rai Resident of Village- Mahuli, P.S.- Hathauri, District- Muzaffarpur.
3. Laloo Rai S/o- Yogendra Rai Resident of Village- Mahuli, P.S.- Hathauri, District- Muzaffarpur.
4. Pramod Rai S/o- Late Baidyanath Rai Resident of Village- Mahuli, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-10-2020 Heard learned counsel for petitioners and learned
A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in Hathauri P.S.
Case No. 75 of 2019 registered for the offence under Sections
302/34 of the Indian Penal Code.

As per the prosecution case, on 24-04-2019 (night),
informant's sister was sleeping on *verandah*, then around 2
O'clock, the informant heard some sound of his sister and so, he
went there and saw that the neck of his sister was cut and
profuse bleeding was coming out. It is further alleged that the



informant saw 11 FIR named accused persons, which includes these petitioners, fleeing away from there. It is further alleged that due to land dispute between the parties, the accused persons have threatened him many times.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case and deceased was handicapped and petitioners are close *pattidars* and family members of co-accused Yogendra Rai. It is further submitted that police, after investigation, submitted chargesheet only against co-accused Yogendra Rai. It is further submitted that co-accused Yogendra Rai has already been granted regular bail by this Court, vide order dated 04-03-2020 passed in Cr.Misc. No. 69067 of 2019. It is further submitted that in the FIR, it is only alleged that informant has seen accused persons fleeing away at 2 O'clock (night), but no source of identification has been disclosed and as such, identification of petitioners has become doubtful.

Considering the aforesaid facts and circumstances, the bail application of petitioners is allowed. In the event of their arrest or surrender within a period of eight weeks from the date receipt/production of copy of this order, let the above-named petitioners be enlarged on bail on furnishing bail bonds of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur in connection with Hathauri P.S. Case No. 75 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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