

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4238 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- PARIHAR District- Sitamarhi

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1. HARENDRA RAI @ HARENDRA KUMAR, aged about 20 years, Male, Son of Singheshwar Rai Resident of Village - Siswa, P.S.- Parihar, Dist.- Sitamarhi
 2. Rinku Devi, aged about 24 years, Female, W/o Rakesh Rai Resident of Village - Siswa, P.S.- Parihar, Dist.- Sitamarhi ... Appellants

Versus

The State of Bihar ... Respondent

Appearance :

For the Appellants : Mr. Hans Lal Kumar, Adv.
For the Respondent : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 06-01-2020 Heard the learned counsel for the appellants and the learned Additional Public Prosecutor.

This criminal appeal is directed against the order, dated 09.08.2019, passed in ABP No. 1462 of 2019/149 of 2019 arising out of Parihar P.S. Case No. 59 of 2019, registered under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code, whereby the prayer of the pre-arrest bail of the appellants was refused.

The accusation is that informant, Kiran Devi, was engaged in constructing the house over 12 katha land, which was given to her by her husband, Singhshwar Rai. On 20.01.2019, five persons named in the first information report, including the appellants, came there and started to abuse and



asked to stop the construction. At that time, Harendra Rai (petitioner no. 1) gave a knife blow at her father and Rinku Devi (petitioner no. 2) also caused injury through knife to her father at his face. When informant and her mother rushed to save, then, Rakesh Rai caused injury through iron rod to the mother of the informant at her head. When brother of the informant rushed to save, then, he was also assaulted by Sarswati Devi and Rakesh Rai.

Submission is that the informant, Kiran Devi, is not the wife of Singheshwar Rai, as she has herself admitted in Case No. CI-611 of 2006/Trial No. 174 of 2011 before the Subdivisional Judicial Magistrate, Sitamarhi. Only to grab the land, in question, the informant has lodged the present case after one month and 17 days of the alleged occurrence. In fact, no occurrence has taken place. Further, submission is that co-accused, Rakesh Rai and Sarswati Devi, have already been allowed the privilege of pre-arrest bail vide order, dated 16.10.2019, passed in Cr. Appeal (SJ) No. 3347 of 2019 by a coordinate Bench of this Court.

Having regard to the facts and circumstances of the case, the impugned order, dated 09.08.2019, passed in ABP No. 1462 of 2019/149 of 2019, arising out of Parihar P.S. Case No.



59 of 2019, is set aside the appeal is allowed.

Let the appellants, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Parihar P.S. Case No. 59 of 2019, shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I-cum-Special Judge (SC/ST Act), Sitamarhi, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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