

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69389 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- TARAIIYA District- Saran

1. SUDAMA RAI Son of Ram Naresh Rai Resident of Village - Bagahi Harakhpur, P.S.- Taraiya, District - Saran at Chapra.
2. Sudhir Rai Son of Ram Naresh Rai Resident of Village - Bagahi Harakhpur, P.S.- Taraiya, District - Saran at Chapra.
3. Baban Rai Son of Baidya Nath Rai Resident of Village - Bagahi Harakhpur, P.S.- Taraiya, District - Saran at Chapra.
4. Kundan Kumar Son of Ramdas Rai Resident of Village - Bagahi Harakhpur, P.S.- Taraiya, District - Saran at Chapra.
5. Munna Rai Son of Baidya Nath Rai Resident of Village - Bagahi Harakhpur, P.S.- Taraiya, District - Saran at Chapra.
6. Sonu Kumar Son of Ramdas Rai Resident of Village - Bagahi Harakhpur, P.S.- Taraiya, District - Saran at Chapra.
7. Dipak Kumar Son of Kamaldeo Rai Resident of Village - Bagahi Harakhpur, P.S.- Taraiya, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 364/34 of the Indian Penal Code registered in connection with Taraiya P.S. Case No. 129/2019.

3. It is submitted that the petitioners have been falsely implicated and the case of the petitioners is of complete denial of the offences. It is stated that the FIR has been lodged in retaliation to the earlier FIR in Marhowrah P.S. Case No. 225 of 2018 lodged by the petitioner no. 4 in connection with murder of his brother in which the informant has been made accused. It is submitted that the averments in the FIR with



respect to injury suffered by the victim Rahul Kumar are not corroborated, as there does not appear to be any injury report on record. The petitioner nos. 1, 2, 4 and 6 are accused in prior cases in which they are on bail. The petitioner nos. 3, 5 and 7 claim clean antecedents.

4. Learned APP appears and opposes the petition. However, he has not pointed to any injury report of Rahul Kumar in the case diary.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners' be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM IX, Saran at Chapra in connection with Taraiya P.S. Case No. 129/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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