

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69894 of 2019

Arising Out of PS. Case No.-76 Year-2019 Thana- MAHINDWARA District- Sitamarhi

1. Rambabu Rai, Son of Late Nawad Lal Rai, Resident of Village- Bagahi, P.S.- Mahindbara, District- Sitamarhi.
2. Rajiv Kumar, Son of Rambabu Rai, Resident of Village- Bagahi, P.S. Mahindbara, District-Sitamarhi.
3. Sipahi Kumar, Son of Lalan Rai, Resident of Village-Bagahi, P.S.- Mahindbara, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 03-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mahindwara P.S. Case No. 76 of 2019, registered under Sections 302 and 120(B)/34 of the Indian Penal Code.

The accusation is that Kuldeo Rai, father of the informant, negotiated to purchase 17 katha land in the year 2014 on payment of consideration of Rs.8,00,000/- with Phuldeo Rai and Rs.5,59,000/- had given as advance. Thereafter, again on 12.06.2019, informant and his father went at the house of Phuldeo Rai and gave Rs.1,50,000/- saying that Rs.91,000/- will



be given at the time of execution of sale deed. When informant made request to execute the sale deed then Phuldeo Rai asked to give Rs.17,00,000/- then informant and his father demanded the money, which was given to Phuldeo Rai, on which, Phuldeo Rai called his associates Rambabu Ram (petitioner no.1), Sugan Rai, Uday Rai, Sobha Rai, Rama Shankar Ray, Rajiv Rai (petitioner no.2) and Sipahi Kumar (petitioner no.3) and caught hold his father and started to cause assault through fist and slaps and laid him on the ground. At that time, Sugan Rai, sat on the chest of his father and thereafter, all started to assault his father, who died on the spot.

Learned counsel for the petitioners submits that while it is alleged that father of the informant was assaulted by the petitioners and others through fist and slaps and at that time, co-accused, Sugan Rai sat at the chest of his father but it would appear from the postmortem report of father of the informant that neither the external nor any internal injury was found, in fact, father of the informant died due to unnatural death but due to land dispute, petitioners and other co-accused have been implicated in the present case. Moreover, co-accused, Shobha Rai and Udai Rai, have already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 18.12.2019



passed in Criminal Misc. No. 81948 of 2019.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with Mahindwara P.S. Case No. 76 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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