

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.133 of 2020

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

MAUJE RAY, (Male), aged about 70 years, Son of Late Hanshlal Ray
Resident of Village - Bakharpur, P.S.- Mahindwara, Distt - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Ashhar Mustafa, Advocate.
For the State	:	Mr.Ramchandra Sahni, A.P.P.
For the Informant	:	Mr. Shashank Shekhar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the petitioner, informant
and learned counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 341, 323,
324, 307, 302, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 19.07.2019
at about 7.00 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 petitioner 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 accused 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. Ram Ram Rai was admitted in S.K.M.C., Muzaffarpur where he succumbed to his injury.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The main allegation is against co-accused Shiv Bachchan Rai. As far as petitioner and others are concerned, general and omnibus allegation has been made against them. Neither any specific overt act is alleged against the petitioner nor any specific injury is attributed against the petitioner.



On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M., Sitamarhi, in connection with Mahindwara P.S. Case No. 98 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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