

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19860 of 2021**

Arising Out of PS. Case No.-362 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. SAWAN RAI Son of Late Ram Bahadur Rai
2. Mahendra Rai Son of Nehali Rai both are Resident of Khalpura Bala, P.S. - Chhapra Muffasil, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Uday Chandra Pd. APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 06-08-2021 Heard learned counsel for the petitioners and learned

APP for the State through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Sections 147, 323, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is that when the informant was at his house, all the accused persons including the petitioners came to his house by forming an unlawful assembly and started assaulting over his head. It is alleged that petitioner no. 1 hit



over Ripu Kumar and injured his shoulder and petitioner no. 2 hit over the informant with a dab causing him head injury.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that specific allegation of assault with tangi on the head of the deceased is against co-accused Daroga Rai and Upendra Rai. He submits that there is allegation of assaulting with dab on the should of Ripu Kumar by the petitioners but the injury found upon him is simple in nature. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application and they are languishing in judicial custody since 07.09.2020.

However, learned APP for the State and informant oppose the prayer for bail and submits that there were several injuries over the body of the deceased and over his head and cause of death mentioned by the doctor was due to heamorrhage and shock by sharp cutting weapon.

Considering the facts and circumstances of the case and the fact that there is no specific allegation of assault against the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the



satisfaction of the learned court below/successor court where the case is pending in connection with Chhapra Muffasil P.S. Case No. 362 of 2020.

(Anjani Kumar Sharan, J)

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