

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29028 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- CHHAURADANO District- East
Champaran

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1. RISHI DEV RAI Son of Shamsher Rai Resident of Village - Kathariya, P.S.- Chhauradano, Distt.- East Champaran.
 2. Raj Babbar Rai Son of Late Ram Swarup Rai Resident of Village - Kathariya, P.S.- Chhauradano, Distt.- East Champaran.
 3. Dharamjeet Rai Son of Late Ram Swarup Rai Resident of Village - Kathariya, P.S.- Chhauradano, Distt.- East Champaran.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Pramod Kumar Pandey, Advocate.
For the State	:	Mr. Chandra Sen Prasad Singh, A.P.P.
For the Informant	:	Mr. Rajesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 28-09-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 31.05.2021, within four weeks from today.

At the very outset, learned counsel for the petitioners submits that the petitioner no.3, namely, Dharamjeet Rai, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.3, namely, Dharamjeet Rai, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.3, namely, Dharamjeet

Rai.

Permission is accorded.

This application in respect of the petitioner no.3, namely, Dharamjeet Rai, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Rishi Dev Rai, and the petitioner no.2, namely, Raj Babbar Rai, for granting them the privilege of pre-arrest bail is being considered.

Heard learned counsel for the petitioner no.1, namely, Rishi Dev Rai, and the petitioner no.2, namely, Raj Babbar Rai, and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioner no.1, namely, Rishi Dev Rai, and the petitioner no.2, namely, Raj Babbar Rai, apprehend their arrest in connection with Chhauradano P.S. Case No.274 of 2020 registered under Sections 147, 148, 149, 341, 323, 325, 354(B), 307, 302, 447, 504 and 506 of the Indian Penal Code.

The accusation is that the informant Chanda Devi along with her three years' son and husband was returning to her house after purchasing the clothes from the market. In the way, 11 persons, named in the F.I.R., including the petitioner no.1, namely, Rishi Dev Rai, and the petitioner no.2, namely, Raj

Babbar Rai, having lathi, danda and weapons in their hands surrounded the informant and her husband and started to abuse saying that this is not the public path and started giving threatening. Anyhow, the informant and her husband reached at the house. In the late evening, on the same day, the aforesaid persons having lathi, danda and weapons in their hands came at the door of the informant and started to abuse. When the protest was made by the informant, then Ramswarth Rai dashed her and torn her Sari and Rishi Dev Rai (petitioner no.1) torn her blouse. At that time, Shamsher Rai caused assault at the forehead of the three years' son of the informant through lathi due to which he died. Thereafter, all the aforesaid persons caused assault to the family members of the informant through lathi and danda, due to which the left hand of Manmod Rai, the brother-in-law of the informant, became fractured. The son of the informant died due to the assault caused by Shamsher Rai through lathi.

Learned counsel for the petitioner no.1, namely, Rishi Dev Rai, and the petitioner no.2, namely, Raj Babbar Rai, submits that, while the petitioner no.1, namely, Rishi Dev Rai, and the petitioner no.2, namely, Raj Babbar Rai, are named in the F.I.R. but no specific overt act is attributed to them. Further submission is that it would appear from the F.I.R. that the son of

the informant died due to assault caused by Shamsheer Rai through lathi and the petitioner no.1, namely, Rishi Dev Rai, and the petitioner no.2, namely, Raj Babbar Rai, have falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioner no.1, namely, Rishi Dev Rai, and the petitioner no.2, namely, Raj Babbar Rai, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, First Class, Raxaul, Motihari, East Champaran, in connection with Chhauradano P.S. Case No.274 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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