

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28029 of 2020

Arising out of PS. Case No.-13 Year-2018 Thana- NAANPUR District- Sitamarhi

1. Kailash Rai S/o Late Prameshwar Rai Resident of Village-Gaudi, P.S.-Nanpur, District-Sitamarhi.
2. Bhogendra Rai S/o Late Prameshwar Rai Resident of Village-Gaudi, P.S.-Nanpur, District-Sitamarhi.
3. Upendra Rai S/o Late Prameshwar Rai Resident of Village-Gaudi, P.S.-Nanpur, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 19-02-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 14.10.2020, within four weeks of starting of Court proceeding in physical mode.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nanpur P.S. Case No. 13 of 2018, registered under Sections 147, 149, 323, 325, 447, 341, 354, 380, 504 and 506 of the Indian Penal Code.

The accusation is that on 06.01.2018 at 8 A.M. the



informant, Premshila Devi was cleaning her courtyard. At that time, seven persons named in the FIR entered in the courtyard and started to remove tent which was erected in shape of courtyard. The informant Premshila Devi made protest then Kailash Rai and Upendra Rai, petitioners no. 1 and 3 caught her hand, unfolded her saree and torn her blouse and assaulted her brutally. When her husband came in the evening who also made protest but he was also assaulted. At the time of occurrence, they also took away the cloths, ornaments and cash of Rs. 6,500/- which was kept in the box.

Submission of learned counsel for the petitioners is that the petitioners and informant are “Gotia” and due to petty family dispute the informant lodged the present case. Earlier, the informant had lodged Nanpur P.S. Case No. 105 of 2011 in which petitioner no. 1 was also made accused in which he is on bail. Further submission is that in fact the charge-sheet was submitted under Sections 147, 149, 323, 325, 341, 504 and 506 of the Indian Penal Code but the learned trial Court also took the cognizance under Sections 354 and 380 of the Indian Penal Code against the petitioners and others.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the



event of his arrest or surrender before the learned Court below within a period of four 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 learned Sub-divisional Judicial Magistrate, Pupari at Sitamarhi in connection with Nanpur P.S. Case No. 13 of 2018, subject to the condition as laid down under Section438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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