

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31238 of 2020

Arising Out of PS. Case No.-209 Year-2020 Thana- DUMRAO District- Buxar

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1. Sumendra Rai, Son of Narayan Rai (since dead)
 2. Shivji Rai, Son of Sumendra Rai
 3. Halchal Rai Son of Sumendra Rai
 4. Birendra Rai @ Birendra Kumar Rai Son of Sumendra Rai
- All are Resident of Village- Lalganj, Kadvi Ward No.03, Police Station- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwini Kumar Rai, Advocate
For the Opposite Party/s : Mr. Shangita Sharma, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 08-04-2021 It has been submitted on behalf of counsel for the petitioners that during pendency of this bail application **petitioner no. 1, Sumendra Rai** has died, as such, let the name of petitioner no. 1, Sumendra Rai be deleted from the cause title.

Heard learned counsel for the **Petitioner nos. 2. Shivji Rai, 3. Halchal Rai and 4. Birendra Rai @ Birendra Kumar Rai** and learned counsel for the State.

Petitioners, apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354(B), 307, 504, 506, 34 of the Indian Penal Code.



Informant has alleged that on 11.06.2020 at about 4:00 P.M., while he was washing his she-buffalo at his door the waste water was going inside the house of his neighbours, due to which petitioners came and assaulted him with iron rod on his head as a result of which he sustained head injury and when his wife namely Usha Devi came to save him then co-accused Jitendra Rai torn her blouse.

It has been submitted on behalf of the petitioners that they are innocent and has been falsely implicated in this case due to animosity. Petitioners are co-villager of the informant and close agnate of the informant. Allegation of assaulting the husband of the Informant is on co-accused Jitendra Rai who also tried to disrobe Informant. The Doctor has opined the injuries sustained by the Informant, her husband and her son, to be simple in nature. Petitioners have no criminal antecedent.

Considering the facts and circumstances of the present case, **let petitioners no. 2, 3 & 4**, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on pre-arrest bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand only) each with two sureties of the



like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dumraon P.S. Case No. 209 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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