

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33936 of 2020

Arising Out of PS. Case No.-173 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. Raghav Rai @ Ragho Rai, Male, aged about 40 years, son of Kanhai Rai
2. Naga Rai, Male, aged about 60 years, son of Chandan Rai @ Chandradeo Rai
3. Rajesh Rai @ Rajesh Kumar, Male, aged about 22 years
4. Mantu Rai @ Mantu Kumar, Male, aged about 25years
5. Chandan Rai, Male, aged about 30 years

Petitioners No. 3, 4 and 5 are son of Naga Rai
All are resident of Village-Jamuna, Police Station-(Chapra) Muffasil,
District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Rajesh Kumar Singh, Advocate
For the State	:	Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-04-2021

The matter has been heard *via* video conferencing.

2. Heard Dr. Rajesh Kumar Singh, learned counsel for the petitioners and Ms. Rina Sinha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Chapra Mufassil PS Case No. 173 of 2020 dated 21.04.2020, instituted under Sections 341/323/307/448/504/379/354/34 of the Indian Penal Code.

4. The allegation against the petitioners is that when the informant side was threshing wheat crops, the petitioner no.



1 appeared and objected, leading to altercation and the informant fled away to his house and thereafter the accused made unlawful assembly and chased him and also entered into the house and assaulted him and also took away five sacks of wheat costing Rs. 5000/-.

5. Learned counsel for the petitioners submitted that there was altercation as there was one threshing machine and both sides had wanted their wheat to be threshed first. It was submitted that the accused persons are agnates and further that there is no injury caused as there is no injury report available. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP, from the case diary, submitted that there was altercation between the parties. However, she did not controvert the fact that it has come during investigation that the informant's side had not gone for any medical treatment.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction



of the learned Chief Judicial Magistrate, Saran at Chapra in Chapra Mufassil PS Case No. 173 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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