

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38726 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- CHIRAIYA District- East Champaran

1. HULASH RAI @ RAJESH RAI @ RAJESH PRASAD YADAV S/o Hazari Rai @ Hazari Prasad Resident of Village- Prei, P.S.- Shikarganj, District- East Champaran.
2. Kishori Rai @ Ram Kishore Prasad Yadav S/o Hazari Rai @ Hazari Prasad Resident of Village- Prei, P.S.- Shikarganj, District- East Champaran.
3. Ram Daresh Rai @ Daresh Prasad Yadav S/o Hazari Rai @ Hazari Prasad Resident of Village- Parei, P.S.- Shikarganj, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in connection with Chiraiya (Shikarganj) P.S. case No.44/20 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

Allegation is that co-accused Santosh Kumar assaulted Lalbabu Rai by iron rod on his head, due to which his



head was broken and co-accused Pravin Kumar assaulted Rajendra Yadav, due to which he sustained head injury. The accused persons including the petitioners along with 5-7 unknown persons assaulted with lathi, danda and iron rod.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the petitioners. Specific allegation of assault is alleged against the co-accused Santosh Kumar and Pravin Kumar. Altogether 12 persons along with 5-7 unknown persons have been named in the F.I.R.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned S.D.J.M., Shikrahana at Dhaka, East Champaran at Motihari in connection with Chiraiya (Shkarganj) P.S. case No.44 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

Once the normalcy is restored, the petitioners will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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