

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38893 of 2020

Arising Out of PS. Case No.-175 Year-2019 Thana- BELSAND District- Sitamarhi

1. Surendra Rai, Son of Shivnath Rai, Resident of Village - Panchnaur, P.S. - Belsand, District - Sitamarhi.
2. Purendra Rai, Son of Shivnath Rai, Resident of Village - Panchnaur, P.S. - Belsand, District - Sitamarhi.
3. Gandhi Rai, Son of Bachan Rai, Resident of Village - Bakatpur, P.S. - Mahendrawara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate.
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Belsand P.S. Case No. 175 of 2019, registered under Sections 147, 148, 149, 341, 323, 324, 307, 354(B) and 379 of the Indian Penal Code.

The accusation is that Suraj Kumar, son of the



informant, Harishankar Rai, was walking in the morning of 17.11.2019. At that time, nine persons named in the FIR including the petitioners caught hold to his son, Suraj Kumar and started to carry to push him below the bus. On raising alarm, informant and others reached there to save him then Amit Rai gave repeated spade blow to him. When his brother, Gauri Shankar, rushed to save him then he was also assaulted through Farsa and Pulendra Rai (petitioner no.2) caused injury to his sister-in-law, Pawan Devi through iron rod. At that time, Radhika Devi, wife of Shivnath Rai, snatched gold chain from the neck of Pawan Devi and Puja Kumari and Alka Kumari, daughter and niece of the informant, were also assaulted.

Learned counsel for the petitioners submits that petitioners are not the assailant of the informant rather the assailant of the informant is co-accused, Amit Rai, in fact, due to some dispute, occurrence of *Marpit* took place, in which, co-accused, Rajesh Rai, son of Shivnath Rai, was assaulted by the informant and others, regarding which, Belsand P.S. Case No. 174 of 2019 is also instituted on the basis of Fradbeyan of co-accused, Shivnath Rai. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the



case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 the learned Chief Judicial Magistrate, Sitamarhi, in connection with Belsand P.S. Case No. 175 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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