

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.416 of 2021**

Arising Out of PS. Case No.-241 Year-2018 Thana- HATHAURI District- Muzaffarpur

1. BINOD RAI S/O NAWAL RAI @ NAWAL KISHORE RAI RESIDENT OF VILLAGE-BERAI P.S.-HATHAURI, DIST MUZAFFARPUR 843129
2. SAKAL RAI @ RAMSAKAL RAI S/O SUKDEO RAI RESIDENT OF VILLAGE-BERAI, P.S.-HATHAURI, DISTRICT-MUZAFFARPUR 843129

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Subodh Kumar, Advocate  
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      26-02-2021                      Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Sessions Trial No. 50 of 2020 arising out of Hathauri PS Case No. 241 of 2018 registered under Sections 147, 148, 149, 447, 323 and 302 of the IPC.

Fourteen accused persons, including the petitioners, have allegedly assaulted the victim (Uttim Rai), brother of the informant.

Learned Counsel for the petitioners draws attention of the Court towards the allegations in the FIR and submits that specific allegation of assault by iron rod is alleged against Sanjay Rai, Mohan Rai, Jay Nandan Rai and Vijay Rai. Against the petitioners there is no specific allegation and the petitioners have no criminal antecedent. Other co-accused persons similarly situated namely Suresh Rai,



Nantun Rai and Upendra Rai have been allowed vide Cr. Misc. No. 18579 of 2020. The petitioners are in custody since 18.8.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 16<sup>th</sup> Additional Sessions Judge, Muzaffarpur in Sessions Trial No. 50 of 2020 arising out of Hathauri PS Case No. 241 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

SNkumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

