

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41064 of 2020

Arising Out of PS. Case No.-241 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. MOKENDRA KUMAR, Son of Hari Prasad Rai Resident of Village - Hakimabaad, P.S.- Samastipur (Muffasil), Distt.- Samastipur.
 2. Hari Prasad Rai @ Hari Prasad, Son of Late Sukan Rai Resident of Village - Hakimabaad, P.S.- Samastipur (Muffasil), Distt.- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 29.12.2020, within four weeks of starting of 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 Samastipur (Muffasil) P.S. Case no. 241 of 2020, registered under Sections 341, 447, 323, 324, 325, 307, 504 and 379/34 of the Indian Penal Code.

The accusation is that on 09.06.2020, at about 11.00 P.M., Ram Pravesh Rai, Ram Prasad Rai and Nikhil



Kumar came at the door of informant Shankar Lal Rai and started to abuse, when the informant made protest then Ram Pravesh Rai ordered to kill the informant then Nikhil Kumar caused blood oozing injury at his head through Khanti, Ram Prasad Rai gave iron rod blow causing fracture injury at his left hand and Ram Pravesh Rai caused injury at his finger through iron rod. On raising alarm, Hari Prasad Rai and Mokendra Kumar (Petitioners), having Farsa and rod in their hands, came there and caused assault. In that course, Anil Kumar, brother of informant, rushed there then Mokendra Kumar (Petitioner No.1) caused injury at his head through Farsa and Hari Prasad Rai (Petitioner No.2) also caused injury through iron rod. At that time, Ram Pravesh Rai snatched gold chain.

Learned counsel for the petitioners submits that while allegation has been made against both the petitioners to cause injury to Anil Kumar, brother of informant, through Farsa and iron rod, but injuries as found on the person of Anil Kumar is of simple in nature, while the injuries found on the person of informant, out of three injuries, one injury i.e. swelling with mid scatalar region is grievous in nature, but the same is attributed against co-accused Ram Prasad Rai and not against these petitioners. The 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 241 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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