

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6344 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- BALRAMPUR District- Katihar

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1. VINAY RAI @ VINAY RAY
 2. SURESH RAI @ SURESH RAY
Both sons OF BADARU RAI RESIDENT OF VILLAGE-SIHAGOAN,
P.S-BALARAMPUR, DISTRICT-KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Ms. (Dr.) I. Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek bail in Balrampur P.S. Case No.
71/2020 registered for the offences punishable under Sections
341/323/342/307/427/506/34 of the Indian Penal Code.

As per the prosecution case, the informant has taken
rupees fifteen thousand as advance from Badru Rai, but due to
lockdown, he could not repay the same as a result of which, they
confined the informant in the house and after intervention of
police party, he was rescued and, thereafter, on 06.06.2020, all
the accused persons including these petitioners dragged him
from his house and pushed him on the ground and co-accused
Pradeep Rai and Suresh Rai pressed his neck as a result of



which he sustained injury in the neck and in the meantime, police party reached there and on seeing police, the accused persons pelted stones on them and fled away.

It is submitted on behalf of the petitioners that so far as petitioner No. 1 is concerned, there is general and omnibus allegation. Petitioner No. 2 is alleged to have pressed the neck of the informant, but the doctor found the injury caused by hard and blunt substance. As such, no case under Section 307 of the I.P.C. is made out. Chargesheet has already been submitted in this case. Petitioners have got no criminal antecedents and they are in custody since 23.08.2020.

Considering the background in which the incident took place and the petitioners have got clean antecedents and chargesheet has already been submitted in this case, the bail petition of the petitioners is allowed. Let the petitioners above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate, VIth, Katihar, in connection with Balrampur P.S. Case No. 71/2020, subject to following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present, as directed by the Court on their absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the petitioners tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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