

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21943 of 2021

Arising Out of PS. Case No.-440 Year-2019 Thana- TAJPUR District- Samastipur

1. Baijnath Rai @ Baijnath Ray @ Vajanath Ray (M), aged about 50 years, S/O Ayodhaya Ray, R/O Village Raghunathpur, Ps Tajpur Halai, District-Samastipur.
2. Raushan Kumar (M), aged about 23 years, S/O Baijnath Rai R/O Village-Raghunathpur, P.S-Tajpur (HALAI), District-Samastipur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Bijay Bhushan Prasad, Advocate
For the Informant	:	M/S. Kaushal Kumar & Rana Ishwar Chandra, Advocates.
For the State	:	Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-05-2022 Heard learned counsels for the petitioners, informant and learned counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 440/2019 for the offence registered under Sections 147, 148, 149, 341, 342, 323, 302, 447, 448, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that the petitioners alongwith other co-accused persons armed with Lathi, Danda



and an Iron rod came at the door of the informant, abused and assaulted the informant and when his father came to save him then Raushan Kumar (petitioner no. 2) pushed him and Baidyanath Rai (petitioner no. 1) mounted over his chest and started to press his neck, in the meantime, co-accused Pavitri Devi assaulted his father with Iron rod causing injury on his neck and his father died on the spot.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. In course of investigation, the case has been found to be true under Section 304 of the I.P.C. The said fact is evident from paragraph no. 83 of the case diary. A scuffle had taken place between two parties. The petitioners had no intention or knowledge for committing the death of the deceased.

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

Considering the aforesaid facts and circumstances of the case, let 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Ist, Samastipur, in connection with Tajpur (Halai) O.P. P.S. Case No. 440/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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