

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10128 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- BIBHUTIPUR District- Samastipur

UMESH RAI, Son of Late Shambhu Rai R/V- Malpur, P.S.- Ujiyarpur,
District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-02-2022 Heard Mr. Ajay Kumar, learned advocate for the

petitioner and Mr. Nagendra Prasad, learned APP for the

State.

The petitioner seeks bail in anticipation of his

arrest in connection with Bibhutipur P. S. Case No. 147 of

2020, instituted for the offences under Sections 447, 341,

323, 324, 307, 354(A), 379, 504, 506 and 34 of the Indian

Penal Code.

The informant and his wife were suspected of

having practiced sorcery as a result of which his nephew had

died sometimes ago. The fact of the matter is that the

nephew of the informant had died because of road accident.



Vexed by such thoughts, the brother of the informant along with others including the petitioner came at his house and some of the accused persons assaulted the informant by their respective weapons, as a result of which he was injured. The other members of his family also were severely injured.

In the entire F.I.R. which runs in around three pages, there is no accusation against the petitioner even though he has been named in the F.I.R.

The learned advocate for the petitioner has shown from the F.I.R. that the dispute is between two brothers and the petitioner who is the son of the sister of the informant has been made accused because of his association with the other brothers.

Considering the afore-mentioned circumstances and absence of any specific overt act against the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.



10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Rosera, District – Samastipur, in connection with Bibhutipur P. S. Case No. 147 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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