

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18371 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BIHIA District- Bhojpur

1. Bharti Rai @ Bharti Devi Wife Of Balkrishna Rai R/O Village- Sundarpur Barja, P.S.- Bihia, District- Bhojpur
2. Meera Devi Wife Of Radha Mohan Rai R/O Village- Sundarpur Barja, P.S.- Bihia, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25280 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BIHIA District- Bhojpur

1. Krishna Rai Son Of Hira Lal Rai Resident Of Village - Sunderpur, Barja, P.S.- Bihiya, District - Bhojpur
2. Radha Mohan Rai Son of Hira Lal Rai Resident of Village - Sunderpur, Barja, P.S.- Bihiya, District - Bhojpur
3. Niraj Rai Son of Radha Kishun Rai Resident of Village - Sunderpur, Barja, P.S.- Bihiya, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18371 of 2023)

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Amit Kumar Rakesh

(In CRIMINAL MISCELLANEOUS No. 25280 of 2023)

For the Petitioner/s : Mr.Vishwa Mohan Kumar Sinha

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioners and



learned APP for the state.

The petitioners are languishing in custody in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per F.I.R is that all the F.I.R named accused persons including the petitioners came variously armed at the house of the informant and started abusing the informant and when the informant's side made protest, petitioners the namely Krishna Rai, Radha Mohan Rai and Niraj Rai (Cr. Misc. No. 25280/2023) started resorting fire to the informant's side, as a result of which, father, brother and sister of the informant sustained gunshot injuries. It is alleged against petitioners Bharti Devi and Meera Devi (Cr. Misc. No. 18371/2023) that they pelted bricks from their roof-top, as a result of which, father of the informant sustained injuries on his head. The injured where thereafter taken to the hospital, but on way, father of



the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. There is land dispute between the parties and on spur of the moment, the occurrence took place. The petitioners Bharti Devi and Meena Devi (Cr. Misc. No. 18371 of 2023) are ladies and there is general and omnibus allegation against them. The petitioners are languishing in custody since 16.11.2022 and 09.01.2023.

Considering the fact that petitioners Bharti Devi @ Bharti Rai and Meera Devi (Cr. Misc. No. 18371 of 2023) are ladies and there is general and omnibus allegation against them, let them be released on bail on their furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Ara in connection with Bihia P.S. Case No. 313 of 2022.



Ref:-Interlocutory Application No. 01 of 2023

The Interlocutory Application No. 01 of 2023 has been filed for grant of provisional bail to the petitioner No. 2 namely Radha Mohan Rai (Cr. Misc. No. 25280/2023) since the marriage of his two daughters is to be solemnized on 28.05.2023 and the functions of *Tilak* ceremony of his daughters is to start from 19.05.2023.

Without going into the merits of the case with regard to petitioner Radha Mohan Rai (Cr. Misc. No. 25280/2023) since the marriage of his two daughters is to be solemnized on 28.05.2023, let the petitioner namely Radha Mohan Rai (Cr. Misc. No. 25280/2023) be released on provisional bail till 1st of June, 2023 on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Bihiya P.S. Case No. 313 of 2022.



The petitioner/Radha Mohan Rai is directed to surrender before learned Court below on 2nd of June, 2023 and learned counsel for the petitioner is directed to file surrender certificate before next date of hearing.

Call for the legible up-to-date photo-state copy of the case diary of Bihiya P.S. Case No. 313 of 2022 including the postmortem report, if any, from the Court of learned Chief Judicial Magistrate, Bhojpur, Ara.

Put up this case on 20th of June, 2023.

(Sunil Kumar Panwar, J)

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