

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40038 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- GHORASAHAN District- East
Champaran

-
1. Hari Shankar Rai @ Hari Rai Son of Ramji Rai Resident Of Village - Mahuahi Murshidabad, P.S - Ghorasahan, District - East Champaran
 2. Vijay Kumar @ Vijay Rai Son of Yogindra Rai Resident Of Village - Mahuahi Murshidabad, P.S - Ghorasahan, District - East Champaran
 3. Panchanand Rai @ Pancha Rai Son of Mokhtar Rai Resident Of Village - Mahuahi Murshidabad, P.S - Ghorasahan, District - East Champaran
 4. Ajay Rai @ Ajay Prasad Yadav Son of Shambhu Rai Resident Of Village - Mahuahi Murshidabad, P.S - Ghorasahan, District - East Champaran
 5. Amrendra Rai @ Amrendra Kumar Son of Late Nanhak Rai Resident Of Village - Mahuahi Murshidabad, P.S - Ghorasahan, District - East Champaran
 6. Yogendra Rai @ Yogindra Rai Son of Mukhlal Rai Resident Of Village - Mahuahi Murshidabad, P.S - Ghorasahan, District - East Champaran
 7. Bijli Rai Son of Sayabul Rai Resident of Village - Mahuahi Murshidabad, P.S - Ghorasahan, District - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Advocate.
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Rakesh Kumar No.1, learned counsel

 appearing on behalf of the petitioners and Mr. Nitya Nand

 Tiwary, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Ghorasahan P.S. Case No. 122 of 2023 registered for the
offence punishable under Sections 147, 148, 149, 295 and 427
of the Indian Penal Code.



3. Prosecution story, in brief, is that the accused persons including the petitioners are said to have damaged the boundary wall of the graveyard and stolen the materials like handpump, brick, iron rod, cement, etc. used for erection of boundary wall. It is further alleged the earlier the petitioners had also threatened the labour not to do the construction work of boundary wall.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they are not involved in illegal act relating to demolition of boundary wall which was erected on *gairmajarua* land by the contractor.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation made against the petitioners, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikarhana, Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 122 of 2023, subject to the condition as laid down under Section 438(2)



of the Cr.P.C.

7. If there is any loss to the contractor, the same can be realized in the manner prescribed in the Special Provisions of Act in terms of the agreement entered into between the state authorities and the contractor.

8. The bail application, stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

