

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38698 of 2014**

Arising Out of PS.Case No. -11 Year- 2014 Thana -PIPRA District-  
EASTCHAMPARAN(MOTIHARI)

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Balendra Rai S/o Rajendra Rai Resident of village- Harnahi Laxminia, P.S.-  
Baruraj, District- Muzaffarpur

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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with

**Criminal Miscellaneous No.38794 of 2014**

Arising Out of PS.Case No. -11 Year- 2014 Thana -PIPRA District-  
EASTCHAMPARAN(MOTIHARI)

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Guddu Kumar Singh son of Hari Shankar Singh, R/o village – Anjanu Kot,  
P.S.- Motipur, District- Muzaffarpur

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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with

**Criminal Miscellaneous No.39643 of 2014**

Arising Out of PS.Case No. -11 Year- 2014 Thana -PIPRA District-  
EASTCHAMPARAN(MOTIHARI)

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Devendra Kumar Rai @ Devendra Rai Son of Mundrika Rai Resident of  
Village - Bathana, Police Station - Motipur, District - Muzaffarpur

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

(In Cr.Misc. No.38698 of 2014)

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Anil Prasad Singh (App)

(In Cr.Misc. No.38794 of 2014)

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Anil Pd. Singh(App)

(In Cr.Misc. No.39643 of 2014)

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Murlidhar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

2 22-10-2014

Above noted applications have arisen out of one occurrence i.e. Pipra P.S. Case No. 11 of 2014 registered for the offences under Sections 395 and 397 of the Indian Penal Code as such they have been heard together and are being disposed of by this common order.

Allegedly, after taking control over the driver of the tractor and boarding the driver in Bollero vehicle, the miscreants took away the loaded tractor and further they threw the driver in lonely place, the crime was committed at the point of firearms. During investigation Balendra Rai and Devendra Rai were arrested with Bollero and thereafter on their confession the said tractor was also recovered.

Submission at the bar for release of the petitioners is that in this case the petitioners are not named in the FIR and they have not been put on test identification parade and for recovery of alleged tractor a separate case has also been instituted and as such considering the detention of the petitioners, now they deserve sympathetic consideration to which the learned APP opposes.

In the facts and circumstances as stated above considering the detention of the petitioners, the petitioners Balendra Rai, Guddu Kumar Singh and Devendra Kumar Rai @ Devendra Rai of above noted cases are directed to be released on

bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Motihari, East Chmparan in connection with Pipra P.S. Case No. 11 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

**(Jitendra Mohan Sharma, J)**

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