

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12042 of 2015

Arising Out of PS.Case No. -124 Year- 2010 Thana -MANIYARI District- MUZAFFARPUR

1. Rajan Rai Son of Shiv Balak Rai Residence of village- Madhopur, Susta, P.S. Maniyari, Distt- Muzaffarpur.
2. Jalim Rai Son of Shiv Balak Rai Residence of village- Madhopur, Susta, P.S. Maniyari, Distt- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

with
Criminal Miscellaneous No.13631 of 2015

Arising Out of PS.Case No. -124 Year- 2010 Thana -MANIYARI District- MUZAFFARPUR

1. Pankaj Kumar Son of Jay Nandan Rai resident of village- Madhopur, P.O. -Susta, P.S- Maniyari, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :
(In Cr.Misc. No.12042 of 2015)
For the Petitioners : Mr. Shashi Bhushan Kumar
For the Opposite Party : Mr. Nagendra Pd.(App)
(In Cr.Misc. No.13631 of 2015)
For the Petitioner : Mr. Ganesh Prasad Singh
For the Opposite Party : Mr. B.Ram(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 03-07-2015 Both the applications arise out of Maniyari P.S. case no. 124 of 2010 and as such they have been heard together with the consent of the parties and are being disposed of by a common order.

Heard both sides.

The petitioners of these two cases are not named in the FIR which was registered under Sections 324,307,447 and 120B/34 of the IPC and Section 27 of the Arms Act on the basis of the statement of the victim mother. The petitioners apprehending their arrest in connection therewith have filed the present application.

It has been submitted that the specific allegation is attributed in the FIR to Arbind Rai who is said to have fired and caused injury to the victim. The petitioners are not named in the FIR. At the subsequent stage an apprehension has been raised that they must have hand in the commission of the offence. It is submitted on behalf of the petitioners that two accused persons who have been named in the FIR raising apprehension of having conspired in the commission of crime have since been released on bail vide order dated 5.4.2011 (Annexure-5). The petitioners were not even sent up for trial. The Court differing with the report has taken cognizance and hence the apprehension.

Considering the aforesaid, I am persuaded to extend the privilege of anticipatory bail to the petitioners of both the matters. Let the petitioners of both the matters, named above, in the event of their arrest/surrender before the learned Court below

within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M./Judicial Magistrate 1st Class, Muzaffarpur in connection with Maniyari P.S. case no. 124 of 2010, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

Shyam/-

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