

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45955 of 2014

Arising Out of PS.Case No. -34 Year- 14 Thana -BANIAPUR District- SARAN

Amrendra @ Pappu Rai, Son of Dharam Nath Rai, resident of Village -
Amaw, Police Station - Baniapur, District - Saran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

With

Criminal Miscellaneous No.40897 of 2014

Arising Out of PS.Case No. -34 Year- 2014 Thana -BANIAPUR District- SARAN

1. Manoj Rai, son of Sheo Nath Rai.
 2. Santosh Rai, son of Bishwanath Rai.
- Both are residents of village-Anawn, P.S.-Baniapur, District- Saran
at Chapra.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.45955 of 2014)

For the Petitioner/s : Mr. Gyan Prakash

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

(In Cr.Misc. No.40897 of 2014)

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Arun Kumar Singh 5 (App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 13-04-2015 Both the applications arise out of Baniapur P.S. Case
No.34/2014 for the offence punishable under Sections 341, 302,
307, 504/34 of the Indian Penal Code and Section 27 of the Arms
Act, as such, they have been heard together and are being disposed
of by this common order.

The allegation is that all the four accused including the

petitioners armed with firearms surrounded the informant, the deceased and his younger brother. The petitioner Amarendra @ Pappu Rai instigated the co-accused Niranjan Rai to kill the deceased. Thereafter, co-accused Niranjan Rai shot fire which caused injury to Swami Nath Prasad and he succumbed to his injury in the way to hospital.

It is submitted that there is no allegation of overt act against the petitioners.

Considering the fact that the petitioner Amarendra @ Pappu Rai has instigated the co-accused to kill Swami Nath Prasad, thereafter, co-accused Niranjan Rai shot fire, which caused injury to the deceased, his prayer for bail is rejected at this stage.

Considering the fact that there is no allegation of overt act against the petitioners, Manoj Rai and Santosh Rai, let the above-named petitioners be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri Brajesh Kumar, Judicial Magistrate, 1st Class, Saran at Chapra in Baniapur P.S. Case No.34 of 2014 with the following conditions :

1. One of the bailors will be the close relative of the petitioners.
2. The petitioners will not indulge in similar

or in any other offence.

3.
- The petitioners will be well represented in the court.
4.
- In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bond will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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