

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40698 of 2014

Arising Out of PS.Case No. -121 Year- 2011 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. BALI RAM RAI @ BALI RAI S/o Ram Surat Rai resident of Village - Bharkhar, P.S. Mohania, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.12021 of 2015

Arising Out of PS.Case No. -121 Year- 2011 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Chunmun Singh @ Surendra Kumar Singh S/o Late Ram Sakal Singh Resident of Village Bharkhar, P.S. Mohania, District Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.40698 of 2014)

For the Petitioner/s : Mr. Rakesh Singh

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

(In Cr.Misc. No.12021 of 2015)

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. S.M.Rahman(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 06-04-2015 Heard both sides.

The petitioners apprehend their arrest in a case under

section 302 and other sections of the Indian Penal Code.

It is submitted that petitioner Bali Ram Rai alias Bali Rai had earlier moved this Court for grant of anticipatory bail, but the same was rejected. Police after investigation submitted final form finding the case against petitioner Bali Ram Rai, Manoj Singh, Jagdish Rai and Chunmun Singh @ Surendra Kumar Singh(petitioner in Cr.Misc.No. 12021/15) false. The prosecution filed a petition under section 319 Cr.P.C., but the same was rejected. Thereafter, the prosecution moved this Court and the order passed under section 319 Cr.P.C. was set aside. It is further submitted that Manoj Singh @ Manoj @ Manoj Kumar Singh and Jagdish Rai have been enlarged on anticipatory bail-vide order passed in Cr.Misc. No. 1415 of 2015. The case of the petitioners stand on the same footing, as the petitioners are not the assailants. Only Sanjay Singh made assault to Ramawadh Yadav and Bindu Yadav. Subsequently, Bindu Yadav succumbed to the injuries.

Considering the aforesaid facts and the fact that similarly situated co-accused Manoj Singh alias Manoj alias Manoj Kumar Singh and Jagdish Rai have been granted anticipatory bail by order dated 25-3-2015 in Cr.Misc. No. 1415 of 2015, it is directed that in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this

order, the above named petitioners shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 121/2011, corresponding to S.Tr.No. 351/61 of 2011/2013 subject to the conditions as laid down under section 438(2) Cr.P.C.

B.Roy/-

(Prabhat Kumar Jha, J)

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