

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19555 of 2015

Arising Out of PS.Case No. -224 Year- 2011 Thana -PAROO District- MUZAFFARPUR

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1. Rabindra Kumar S/o Virdeo Rai
2. Ajay Kumar S/o Fuldeo Rai
Both of Village- Koriya Nijamat, P.S.- Paroo, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Paroo P.S. Case No. 224 of 2011 registered for the offences punishable under Sections 447, 323, 307, 364, 511, 452, 380/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioners and other FIR named accused persons being armed with gun and other weapons came in Maruti van and co-accused Rajeev Kumar Rai forcibly caught the informant, boarded in Maruti van and gave order to kill him as at the information of the informant raid was made and raw sprit and apparatus valued at rupees ten lacs were seized by the Police, co-



accused Rajeev Rai also opened fire and when the brother of the informant tried to snatch the weapon from the hands of Santosh Kumar, then Sanjeev Kumar assaulted the brother of the informant with iron rod on his head but due to assemblage of villagers, the informant any how got down from the Maruti Van but his mobile and cash were taken away by Vidyanand Rai and Rajeev Rai demanded again amount of rupees ten lacs within two days and further co-accused Rajeev Rai, Sanjeev Rai, Vidyanand Rai, Sanjay Rai and Santosh Kumar entered into the house of the informant and took away attachée containing ornaments and cash of Rs. 40,000/-.

Submission is of false implication and that no such offence has occurred as alleged. Other co-accused persons have been admitted to regular bail and against the petitioners there is no allegation for committing any overt act. From plain reading of the FIR itself, it reveals that this case is based on imagination and baseless allegation.

Learned APP opposes the prayer of pre-arrest bail.

Considering that against the petitioners there is no specific allegation of committing any overt act and, as such, the petitioners above named, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this

order, shall 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 Chief Judicial Magistrate, Muzaffarpur in connection with Paroo P.S. Case No. 224 of 2011, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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