

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22522 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -SAHPUR District- PATNA

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1. Lal Babu Rai S/o Dhupnath Rai
2. Dinesh Rai S/o Shyam Babu Rai
3. Mukesh Rai S/o shyam Babu Rai
4. chandan Rai S/o Ram Ashok Rai
5. Ram Ashok Rai@Ramaslok Rai S/o Dhupnath Rai
6. Hari Rai@Naresh Rai@Ram Naresh Rai S/o Dhupnath Rai

All resident of Village - Madhopur, P.s Shahpur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Ms. Renu Kumari(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

3 21-08-2015

Heard learned counsel for the parties.

Having regard to the admitted position that the petitioners, facing prosecution for offence under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 & 506 of the Indian Penal Code, has a similar case to co-accused Ram Pravesh Rai and Shyam Babu Rai, who has been granted privilege of anticipatory bail by order dated 13.7.2015 in Cr. Misc. No. 24208 of 2015 despite the fact they have allegedly assaulted the injured by Farsa whereas the allegation against the petitioners of assault is only by way of Lathi, this Court would be inclined to grant privilege of

anticipatory bail to the petitioners 2 to 6 simply for maintaining the parity.

This Court, however, will not give such privilege in favour of petitioner no.1, namely, Lal Babu Rai, who is having criminal antecedent, inasmuch as, from the order dated 13.7.2015, it does not transpire that either of the aforesaid two co-accused namely Ram Pravesh Rai and Shyam Babu Rai had any criminal antecedent. In that view of the matter, the prayer for anticipatory bail of the petitioner, namely, Lal Babu Rai is hereby rejected.

The rest of the five petitioner nos. 2 to 6, namely, 2. Dinesh Rai, 3. Mukesh Rai, 4. Chandan Rai, 5. Ram Ashok Rai @ Ramaslok Rai and 6. Hari Rai @ Naresh Rai @ Ram Naresh Rai, having no criminal antecedent as claimed by them in paragraph no.3 of the bail application, shall be however entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner nos. 2 to 6, namely, 2. Dinesh Rai, 3. Mukesh Rai, 4. Chandan Rai, 5. Ram Ashok Rai @ Ramaslok Rai and 6. Hari Rai @ Naresh Rai @ Ram Naresh Rai surrender before the court below within a period of four weeks from today, they shall be released 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 Sri A.K. Thakur, Judicial

Magistrate, 1st Class, Danapur, Patna in connection with Shahpur P.S. Case No. 19 of 2015 (G.R. No. 309 of 2015), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That the court below shall make verification of criminal antecedent of the petitioners 2 to 6 and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.
- (ii) That both the bailors will be a close relative of the petitioners 2 to 6 who will undertake an affidavit giving genealogy as to how they are related with the petitioners 2 to 6. The bailors will also undertake to inform the court if there is any change in the address of the petitioners 2 to 6.
- (iii) That the affidavit shall clearly state that the petitioners 2 to 6 are not an accused in any other case and if they are, they shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners 2 to 6 are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.
- (v) That the petitioners 2 to 6 will be well represented on each

and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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