

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26340 of 2015

Arising Out of PS.Case No. -131 Year- 2013 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Lallan Rai S/O Late Bagha Rai
 2. Sanjay Rai S/O Late Bagha Rai
 3. Vijay Rai S/O Late Bagh Rai
 4. Prabhu Sahani S/O Ramdhari Sahani
 5. Mukesh Rai S/O Jai Rai
 6. Wokil Rai S/O Paras Rai All SI. No. 1 to 6 are Resident of village-
Katknwa, P.S.- Adapur, District- East Champaran
 7. Prabhudeo Yadav S/O Laet Bramhdeo Rai Resident of village-
BAthuahia, P.S.- Darpa, District- East Champaran.
 8. Ramesh Singh alias Ramesh Kumar Singh S/O Satya Narayan Singh,
Resident of Village- Murtiya, P.S.- Adapur, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Binod Kumar Singh
For the Opposite Party : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2015 Learned counsel for the petitioners seeks permission to

withdraw the application on behalf of petitioner no.6 Wokil Rai,

the same is dismissed as withdrawn.

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 147, 148, 149, 448, 380, 447, 302 and
120(B) of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged by the informant that on 12.09.2013 in the
night at about 9.00 P.M. after taking meal he had gone to the home



of his Pattidar Ram Ayodhya Rai to sleep. In the night at about 1.30 A.M. he heard sound of gun-firing from his home, then he along with his brother Babulal Rai and other village person had gone to his home and saw that his father Sheonath Rai is lying on the Varandah of his home and blood is oozing from his right side of chest and he was dead.

It has been submitted on behalf of the petitioners that as far as petitioner no.1 Lalan Rai, petitioner no.2 Sanjay Rai and petitioner no.3 Vijay Rai are concerned, they have no criminal antecedent. As far as the petitioner no.4 Prabhu Sahani is concerned, he has got only one criminal case. As far as the petitioner no.5 Mukesh Rai is concerned, it has been alleged that he had snatched Rs.90,000/- in course of the occurrence. As far as petitioner nos.6 Wokil Rai, 7 Prabhudeo Yadav and 8 Ramesh Singh alias Ramesh Kumar Singh are concerned, there are four criminal cases against them. From perusal of the FIR, it appears that there is general and omnibus allegation has been made against fifteen accused persons including the petitioners. The wife of the informant has disclosed that it was Bindeshwari Rai who had fired upon the deceased.

It has been submitted on behalf of the State that from perusal of the case diary, it appears that specific allegation is

against Bindeshwari Rai and against petitioner no.5, namely, Mukesh Rai. It has been alleged that he had snatched Rs.90,000/- in course of the occurrence and as far as petitioner nos.7 Prabhudeo Yadav and 8 Ramesh Singh alias Ramesh Kumar Singh are concerned, there are four criminal cases pending against them.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no.5 Mukesh Rai, petitioner no.7 Prabhudeo Yadav and petitioner no.8 Ramesh Singh alias Ramesh Kumar Singh and the same is rejected.

So far as petitioner no.1 Lallan Rai, petitioner no.2 Sanjay Rai, petitioner no.3 Vijay Rai and petitioner no.4 Prabhu Sahani are concerned, let them be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Raxaul at Motihari in connection with Adapur P.S.Case No.131 of 2013,G.R.Case No.792 of 2013 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sudhir Singh, J)

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