

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4754 of 2015

Arising Out of PS.Case No. -144 Year- 2014 Thana -AWTARNAGAR District- SARAN

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1. Shobh Nath Rai @ Shobh Nath Yadav son of Shiv Shankar Rai
2. Kamles Rai son of Natheshwar Rai.
3. Braj Kishore Rai son of Late Hari Dyal Rai All are resident of village -
Kamalpur, P.S.- Awatar Nagar, District- Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 02-07-2015 Heard learned counsel for the parties.

2. Having regard to the nature of allegation against the petitioners for offence under sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code and section 27 of the Arms Act while this Court is not inclined to grant privilege of anticipatory bail to petitioner no.1, Shobh Nath Rai @ Shobh Nath Yadav, on account of incised injury allegedly caused by him to have been found by the doctor in his injury report.

3. Since petitioner no.2, Kamles Rai has also criminal antecedent he will not be entitled for privilege of anticipatory bail specially when the allegation against him of assault by iron rod has also been found in form of either of the two injuries.

4. Petitioner no. 3, Braj Kishore Rai, on account of



omnibus allegation of assault and also not substantiated from rest of the two injuries either in form of swelling and abrasion would however be entitled for grant privilege of anticipatory bail to the petitioner Braj Kishore Rai, inasmuch as he has got no criminal antecedent.

5. That being so, this Court would reject the prayer for anticipatory bail to petitioner no.1 and petitioner no.2, namely, Shobh Nath Rai @ Shobh Nath Yadav and Kamles Rai, but would grant such privilege to petitioner no.3, Braj Kishore Rai and therefore, if he would surrender before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra in Awatar Nagar P.S. Case No. 144/2014, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioner no. 3 Braj Kishore Rai and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioner no. 3 who will give an affidavit giving

genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner no. 3.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner no. 3 is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner no. 3 will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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