

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36483 of 2014

Arising Out of PS.Case No. -83 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

1. Amrendra Kumar Singh
2. Raghvendra Kumar Singh Both S/o Late Ram Sanjeev Singh Resident of Village Rampur Kumaharkol, P.S. Desari, O.P. Sahadei Buzurg, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.39348 of 2014

Arising Out of PS.Case No. -83 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

1. Sanjiv Kumar Singh son of Late Ram Sanjeev Singh.
2. Avanit Kumar Singh @ Kanhaiya son of Amod Kumar Singh. Both resident of village Rampur Kumaharkol, P.S. Desari, O.P. Sahadei Buzurg, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 20-02-2015 Heard learned counsel for the parties.

As with regard to the prayer for anticipatory bail of the remaining three petitioners namely, Raghvendra Kumar Singh, Sanjiv Kumar Singh and Avanit Kumar Singh @ Kanhaiya, inasmuch as, the prayer for Amrendra Kumar Singh has already been withdrawn on account of his being taken into custody, this Court on perusal of the materials on record in relation to the



offence under Sections-341, 323, 324, 447, 307, 379, 427 and 34 of the Indian Penal Code would be inclined to hold that petitioner no.2, Raghvendra Kumar Singh (Criminal Miscellaneous No.36483 of 2014) having no criminal antecedent as also in absence of any specific overt act is entitled for being granted the privilege of anticipatory bail but the same cannot be said to petitioner no. 1, Sanjiv Kumar Singh and petitioner no. 2, Avanit Kumar Singh @ Kanhaiya Singh (Criminal Miscellaneous No. 39348 of 2014), who are said to have assaulted the injured with their weapons on his head resulting into an open injury. As a matter of fact the co-accused facing similar allegation namely, Amod Kumar Singh and Vinit Kumar Singh having been denied the privilege of anticipatory bail had also been granted regular bail by court below after their remaining in custody for sometime.

In that view of the matter, this court would reject the prayer for anticipatory bail of petitioner no. 1, Sanjiv

Kumar Singh and petitioner no. 2, Avani Kumar Singh @ Kanhaiya Singh (Criminal Miscellaneous No.39348 of 2014).

In the result if the petitioner no.2, Raghvendra Kumar Singh (Criminal Miscellaneous No.36483 of 2014) surrenders within a period of four weeks from today, he would 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 **J.M. 1st Class, Vaishali at Hajipur** in connection with **Desari P.S. Case No. 83 of 2014** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner 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.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner 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.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner 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.

Ranjan/-

U			
---	--	--	--

(Mihir Kumar Jha, J)