

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45998 of 2015

Arising Out of PS.Case No. -44 Year- 2015 Thana -MANJHI District- SARAN

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1. Anil Ram son of late Banshi Ram, resident of village- Kauru- Dhauru, Police Station- Manjhi, District- Saran (Chapra).
 2. Bhola Bin son of late Ram Bhajan Bin, resident of village- Bangra, Police Station- Revelganj, District- Saran (Chapra)
 3. Rameshwar Rai @ Pappu Rai @ Pilu Rai son of Dudhnath Rai, resident of village- Bhadpa Nayaka Basti, Police station- Revelganj, District- Saran (Chapra).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Durgesh Nandan (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 03-11-2015 Learned counsel for the petitioners at the outset submits that petitioner no.2, Bhola Bin, has already been arrested and therefore, his prayer for anticipatory bail has become infructuous.

Heard learned counsel for the parties.

The allegation for offence under sections 147, 148, 149, 341, 323, 324, 326, 307, 379 of the Indian Penal Code and Section 27 of the Arms Act prima facie has been made out against petitioner no.1, inasmuch as his gun shot injury caused on the person of Rankesh Kumar Singh stands duly corroborated in the injury report of the doctor but as with regard to the injury on the person of the informant Sanjiv Kumar Singh, who in the F.I.R. had claimed to have been firstly given an injury by Bhola Bin, petitioner no.2 by the country made revolver and also by petitioner



no.3 also by country made revolver which according to him had hit in his back portion but the injury report goes to show that there is only Deep (skull bone exposed) sharp cut wound over left side back of the head (6 cm. long in size), would find petitioner no.3, Rameshwar Rai @ Pappu Rai @ Pilu Rai, to be entitled for privilege of anticipatory bail, inasmuch as his alleged gun shot injury on the back of the informant has not at all been found and in fact the informant has no gun shot injury.

That being so, if petitioner no.3, Rameshwar Rai @ Pappu Rai @ Pilu Rai, who also claims to have no criminal antecedent, 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, Chapra, in Manjhi P.S.Case No. 44/2015, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of petitioner no.3 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 petitioner no.3 who will give an affidavit giving genealogy

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

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if 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 petitioner no.3 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 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.

The anticipatory bail of petitioners no. 1 and 2, however, stands rejected.

(Mihir Kumar Jha, J)

surendra/-

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