

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43808 of 2015

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Ram Briksh Rai @ Rambriksha Yadav son of Jageshwar Rai, Resident of
village- Sirvara, P.S.- Benipatti, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2015

Heard learned counsels for the petitioner and the State.

The present application has been filed for modification of the order dated 04.08.2015 passed in Criminal Miscellaneous No.31365 of 2015 in connection with Benipatti P.S. Case No.140 of 2014, pending before the learned CJM, Madhubani, on the ground that similarly situated co-accused persons have been granted anticipatory bail by this court vide Criminal Miscellaneous No.29860 of 2015 whereas the other co-accused was granted anticipatory bail vide Criminal Miscellaneous No.30661 of 2015 by a co-ordinate bench of this court.

The prosecution case is that the daughter-in-law of one Gulab Rai returned to her matrimonial house after three days when the accused persons after forming unlawful assembly came to the house of the informant and dragged her to the village temple and

assaulted with fists and slaps. It is also alleged that co-accused Lagan Rai stripped her whereas co-accused Ram Lagan Rai put towel around her neck and started pulling with intention to throttle her and co-accused Gulchan Rai along with others cut her hair though it is also alleged that Gulchan Rai also tried to strangulate her.

It is submitted by learned counsel for the petitioner that the accusation is not specific against the petitioner and statement has been made in paragraph 3 of the main petition that the petitioner has no criminal antecedent.

The anticipatory bail application of the petitioner was disposed of with observation that the submissions made by learned counsel for the petitioner constitutes ground for consideration of prayer for regular bail.

Considering the fact that similarly situated co-accused persons have been granted anticipatory bail by this court and a co-ordinate bench of this court, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Madhubani in connection with Benipatti P.S. Case

No.140 of 2014, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

The order dated 04.08.2015 passed in Criminal
Miscellaneous No.31365 of 2015 is rescind.

Accordingly, the modification application is disposed
of.

(Dinesh Kumar Singh, J)

Ashwini/-

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