

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34633 of 2014

Arising Out of PS.Case No. -19 Year- 2010 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Ram Naresh Rai @ Naresh Rai,
2. Birendra Rai ,
3. Rajeev Rai all sons of Baidh Nath Rai.
4. Mohit Rai son of Achchhelal Rai ,
5. Sudhir Rai Son of Mohit Rai ,
6. Hari Chandra Rai @ Harendra Rai Son of Mohit Rai , All Resident of
Village - Hanuman Nagar , P.S .Rajepur , District East Champaran (Motihari) .

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Ram Sewak Chaudhary(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 10-04-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

The prayer for anticipatory bail of petitioner no. 1 Ram Naresh Rai@ Naresh Rai as well as petitioner no. 6 namely, Hari Chandra Rai @ Harendra Rai has already been dismissed as withdrawn vide order dated 18.09.2014. So far as rest petitioners are concerned, it is specific allegation against the petitioner no. 2 that he opened fire causing fire arm injury to Malak Rai whereas petitioner no. 5, Sudhir Rai gave Fersa blow to injured Bikau Rai and so far as petitioner no. 3 and 4 are concerned, although, there

is no specific allegation of any overt act against them but according to prosecution case, they also participated in the alleged occurrence and therefore, they cannot escape from the clutches of section 149 of the Indian Penal Code. Accordingly, I am not inclined to grant privilege of anticipatory bail to the petitioner nos. 2 to 5 and hence, their prayer for anticipatory bail in connection with Rajepur P.S.Case No. 19 of 2010, pending in the court of Sub-Divisional Judicial Magistrate, Sikrahana, East Champaran at Motihari stands rejected.

However, if petitioners surrender and seek regular bail within four weeks from today before the concerned court, their prayer for bail shall be considered on its own merit without being prejudiced by this rejection order, particularly keeping in mind the specific allegation leveled against them.

(Hemant Kumar Srivastava, J)

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