

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45918 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -AKILPUR District- PATNA

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1. Shobhraj Rai @ Soh Rai @ Sohraj Son of Awadhesh Rai
2. Vikash Rai Son of Kamal Rai Both are residents of village - Nakta
Diyara, P.S. - Digha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Adv

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections- 307, 323, 326, 342, 379, 504/34 of the Indian Penal Code and Section-27 of the Arms Act, this Court would not be inclined to grant the privilege of anticipatory bail to the petitioner no. 2, Vikash Rai, inasmuch as, he has got fair amount of criminal antecedent of three cases, which has been mentioned at paragraph no. 3 of this bail petition but also because there is an allegation of causing fire arm injury by him along with Subodh Rai and Somnath Rai.



Nonetheless, this Court in order to maintain parity, inasmuch as, co-accused Kamal Rai having exactly similar allegation as that of the petitioner, was given privilege of anticipatory bail by the Sessions Judge by order dated 03.08.2015 in A.B.P No. 3031 of 2015, would grant the privilege of anticipatory bail to petitioner no. 1, Shobhraj Rai who also is said to have only one case against him being Digha P.S. Case No. 204 of 2012.

That being so, if the petitioner namely, **Shobhraj Rai**, 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, Danapur** in connection with **Akkilpur P.S. Case No. 32 of 2015**, 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 they 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.

(Mihir Kumar Jha, J)

