

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47953 of 2014

Arising Out of PS.Case No. -78 Year- 2014 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

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1. Umesh Rai S/o Basudeo Rai
2. Arun Rai S/o Ram Lagan Rai, Both are resident of Village- Lodipur
Chakwara, P.S.- Town Hajipur, District- Vaishali

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 12-08-2015 Heard learned counsel for the parties including the learned
counsel for the informant.

The petitioner no.2 facing prosecution for offence under sections 147, 148, 149, 341, 323, 307, 379, 504, 506, 427 of the Indian Penal Code and section 27 of the Arms Act has a cutout defence that not only the petitioner is agnate of the informant but in fact there is old enmity on account of land dispute for which there was also a proceeding under section 144 Cr.P.C.. It has also been pointed out that whatever allegations were made against petitioner no.2 regarding firing also does not get substantiated in any manner primarily because even when the informant is said to have alleged of causing firearm injury the police could not find even any such trace of firing being made by the petitioner.



Be that as it may, this Court having the look of the case giving an impression to be also a possible concoction at the instance of agnates including the informant and the fact that the petitioner has only one more criminal case pending against him as has been stated in the supplementary affidavit filed today, would find him entitled for privilege of anticipatory bail.

That being so, if petitioner no.2, Arun Rai, surrenders 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, Vaishali at Hajipur in Ganga Bridge P.S.Case No. 78/2014, subject to the following conditions:

(i) That both the bailors will be a close relative of petitioner no.2 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 petitioner no.2.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if petitioner no.2 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 petitioner no.2 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 prayer for anticipatory bail of petitioner no.1, Umesh Rai, however, stands rejected in view of the earlier order of this Court dated 30.7.2015.

surendra/-

(Mihir Kumar Jha, J)

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