

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42416 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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1. Shanker Kumar son of Kailash Rai
2. Kundan Kumar son of Kailash Rai
Both are residents of village- Warishpur Mal, P.S.- Bhagwanpur,
District- Vaishali

..... Petitioner/s
Versus
The State of Bihar

..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manish Kumar No-2, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Bhagwanpur P.S. Case No.49 of 2015 registered under sections
147, 148, 149, 323, 324, 332, 333, 353 and 307 of the Indian Penal
Code.

It is contended that there is no truth behind the
allegations made in the FIR and the petitioners have been a victim
of colourful exercise of power and highhandedness of the police. It
is further contended that similarly circumstanced two other named
co-accused, namely, Kameshwar Rai @ Rameshwar Rai and

Shobhit Rai @ Ram Shobhit Rai have already been granted pre-arrest bail by a Bench of this Court by order dated 23.7.2015 passed in Cr. Misc. No. 28752 of 2015.

Learned counsel for the State has opposed the prayer for bail. However, he concedes that the case of the petitioners stands on identical footing to that of co-accused Kameshwar Rai @ Rameshwar Rai and Shobhit Rai @ Ram Shobhit Rai, who have already been granted bail under section 438 of the Code of Criminal Procedure.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the above named petitioners are directed to 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 Smt. Niharika, Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.49 of 2015 subject to the conditions as laid down under 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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