

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28572 of 2015

Arising Out of PS.Case No. -399 Year- 2014 Thana -MANER District- PATNA

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1. Binod Kumar @ Binod Rai S/o Birbal Rai
 2. Awadhesh Kumar @ Awadhesh Rai S/o Birbal Rai
 3. Subedar Rai @ Sukhdhar Rai @ Sukdar Rai S/o Late Sujan Rai
 4. Deobir Rai S/o Sipahi Lal Rai
 5. Birbal Rai S/o Meera Rai
 6. Bhorik Rai S/o Ramjanam Rai
 7. Ramjee Rai S/o Rambalak Rai
 8. Meera Rai S/o Late Vishun Rai All the residents of Village - Chhihattar, P.S. Maner, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anjum Akhter

For the Opposite Party/s : Mr. Anil Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 23-07-2015 Heard learned counsel for petitioners and learned Additional Public Prosecutor for the State.

At the outset, it is pointed out that petitioner Nos. 3, 7, & 8 namely, Subedar Rai @ Sukhdhar Rai @ Sukdar Rai Ramjee Rai and Meera Rai have already been arrested.

Accordingly, their prayer for anticipatory bail stands dismissed being infructuous.

So far as rest petitioners i.e. petitioner Nos. 1, 2, 4, 5, 6 are concerned; they apprehend their arrest in

connection with Maner P.S. Case No. 399 of 2014 registered under Sections-379, 380, 307, 452 & other minor sections of the Indian Penal Code.

No doubt, there is no allegation of firing against them but according to prosecution case, they were also present at the place of occurrence at the time of alleged occurrence along with other accused, who made indiscriminate firing, causing fire arm injury to several persons.

No doubt, there is counter case in which some persons are said to have sustained fire-arm injury but taking into consideration the above-said facts and circumstances as well as submission of the parties, I am not inclined to grant privilege of anticipatory bail to rest petitioners and accordingly, their prayer for anticipatory bail stands rejected.

However, if petitioner Nos. 1, 2, 4, 5, 6 namely, Binod Kumar @ Binod Rai, Awadhesh Kumar @ Awadhesh Rai, Deobir Rai, Birbal Rai and Bhorik Rai surrender in the court below within four weeks from today and seek regular bail, the concerned court shall consider the regular bail application of the petitioners on its own merit without being prejudiced by this rejection order, particularly, keeping in

mind that the above-said petitioners do not have any criminal antecedent and persons from the side of the petitioners also sustained injuries in the alleged crime.

(Hemant Kumar Srivastava, J)

A.K.V./-

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