

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36284 of 2014

Arising Out of PS.Case No. -81 Year- 2007 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

- =====
1. Shiv Sagar Rai
 2. Birendra Rai @ Birendra Kumar, both sons of Shri Mishrilal Rai
 3. Panjabi Rai, S/o Lakhan Rai
- All resident of village - Mohanpur, P.S.- Raghopur, District - Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.36948 of 2014

Arising Out of PS.Case No. -81 Year- 2007 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

- =====
1. Rajeshwar Rai, S/o Binda Rai
 2. Mukhlal Rai, S/o Late Shivjee Rai
 3. Baidnath Rai @ Vaidnath Rai @ Vajinath Rai, S/o Late Ram Nandan Rai,
 4. Jimdar Rai, S/o Ramjee Rai
 5. Ram Babu Rai, S/o Ramjee Rai
 6. Sarbind Rai, S/o Lal Babu Rai
- All resident of village- Mohanpur, Raghopur P.S., District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.36284 of 2014)

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Pd. Singh(APP)

(In Cr.Misc. No.36948 of 2014)

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Pd. Singh(APP)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 21-09-2015 Since these criminal miscellaneous applications arise

out of the same police station case, they have been heard

together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Raghapur P.S. Case No.81 of 2007 for allegedly having committed the offences under Sections 148, 149, 450, 302 and 120B of the Indian Penal Code.

Learned counsel for the petitioners submits that though there is specific allegation made against petitioner No.1 Shiv Sagar Rai of Cr.Misc. No.36284 of 2014, but with regard to others, there is no specific allegation. The petitioners are apprehending their arrest even though investigation has found that being very dark night and in the early hours in the morning, it is not possible for anyone to see from a distance of the commission of any offence. Furthermore, in the case diary it has come that other persons, who were inhabitants of huts located in the neighbourhood, had not heard any shot of firing at that time of night and in the early hours in the morning and therefore the entire prosecution case comes under a cloud.

Considering the aforementioned facts and circumstances and also that there is cogent materials in the case diary regarding falsity of the prosecution case and in view of the

fact that other similarly situated persons have been extended the privilege of anticipatory bail by a Bench of this Court in Cr.Misc. No.20584 of 2014, vide order dated 5.8.2014, let all the petitioners, above named, in the event of their arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Raghopur P.S. Case No.81 of 2007, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

PNM

U		T	
---	--	---	--