

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49224 of 2015

Arising Out of PS.Case No. -281 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. Indresh Rai son of Bhola Rai
 2. Bhola Rai son of Late Radha Rai
 3. Rajesh Rai son of Bhola Rai
 4. Jitendra Kumar @ Jitendra Rai son of Bhola Rai All residents of village Sitalpur Kalkarhatta, P.S. Bidupur, District Vaishali

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar

For the Opposite Party : Mr. Dr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-11-2015 Heard both sides.

Four petitioners herein apprehend their arrest in connection with Bidupur P.S. case no.281 of 2015, registered for the offence under sections 147,148,149,341,323,307, 379, 504 and 506 of the IPC.

Both the parties appear to be agnates. Allegation is that while the informant along with his uncle and father were at the field accused persons arrived there. Co -accused Rakesh Kumar assaulted the informant on head with iron rod. Petitioner no.1 assaulted the father of the informant and another co-accused assaulted the uncle of the informant.



Referring to Annexure-2, it has been submitted that earlier to this a case was lodged by the petitioner no.2 against the present informant and others in which prosecution side are cited as accused in which one person received grievous injuries. It is submitted that those accused persons have been granted the privilege of anticipatory bail. On a consideration of the submissions it appears that on account of possession of land and previous litigation, the occurrence has taken place in which the petitioners herein have not been assigned the main role of assaulting the informant with iron rod on the head. Except this case lodged by the present prosecution side there is no criminal antecedent against them.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, 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 the learned Chief Judicial Magistrate, Hajipur at Vaishali., in connection with Bidupur P.S.case no. 281 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following

conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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