

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54634 of 2015

Arising Out of PS.Case No. -51 Year- 2008 Thana -SONEPUR District- SARAN

1. Akhilesh Rai @ Akhalesh Rai
2. Shivjee Rai
Both sons of Daroga Rai Resident of Village - Saidpur (Alipur), P.S.
Sonepur, District - Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra
For the Opposite Party/s : Mr. Asha Devi(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 02-12-2015 Heard learned counsels for the petitioners
and the State.

The petitioners are apprehending their
arrest in a case registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and 25(1-B)a/27 of the
Arms Act.

The prosecution case is that the FIR named
accused persons including the petitioners surrounded the

Mahavir Rai and killed him. The petitioners were not sent up for trial. Subsequently the final form was submitted but during trial of other accused persons petitioners have been summoned in exercise of the jurisdiction under Section 319 of the Cr.P.C. by learned trial court vide order dated 03.08.2015.

It is submitted by learned counsel for the petitioners that during investigation the accusation was not found true against the petitioners. The learned Sessions Judge has not deliberated the evidence of the witnesses on the basis of which the petitioners have been summoned in exercise of jurisdiction under Section 319 of the Cr.P.C. It is further submitted that the petitioners undertake to appear before the learned court below regularly.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIth, Saran at Chapra in connection with Sessions Trial No. 732 of 2008 arising out of Sonepur P.S. Case No. 51 of 2008, subject to the conditions as laid down under

Section 438(2) of the Cr.P.C.

The learned trial court will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions.

(Dinesh Kumar Singh, J)

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