

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4501 of 2016

Arising Out of PS.Case No. -342 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Ram Babu Rai S/o- Late Harihar Rai, R/v- Daudnagar, P.S.- Bidhupur,
Distt.- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Dr.Indiwar Kumari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2016

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on 28.07.2015 in the night the informant woke up on the sound of gun firing and found her husband in injured condition when in the torch light the informant identified this petitioner and Nokha Rai, Dinesh Rai, Ramesh Rai, Manju Rai, Nagendra Rai, Mohan Thakur, Nand Kishore Rai, Shyam Kishore Rai, Sanjay Rai and Ranjit Rai fleeing away from the place of occurrence. Subsequently the husband of the informant succumbed to the injuries. The informant's husband was Mukhiya and was president of Mukhiya Union and Ramesh Rai was offended by some issue being reconciled by the husband of the informant.



It is submitted by learned counsel for the petitioner that due to the political rivalry only suspicion has been raised and after going through the case diary the coordinate Bench of this Court has granted anticipatory bail to the brother of petitioner Nokhi Rai vide Cr. Misc. No. 48705 of 2015, where it has also been recorded that the case diary reflects that Munna Kumar, grand-son of the brother of the deceased is suspected to have committed the offence. It is further submitted that co-accused has been charge-sheeted and the investigation against the petitioner is still pending.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, till conclusion of the investigation against him, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur at Vaishali in connection with Bidhupur P.S. Case No. 342 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner, if apart from the evidence of the informant that she saw accused persons including the petitioner fleeing away from the place of occurrence, some

substantive evidence comes and the petitioner is charge-sheeted then in that event the petitioner will surrender and pray for regular bail.

Shageer/-

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

(Dinesh Kumar Singh, J)