

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45816 of 2015

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

Daroga Rai, S/o Late Janak Rai, resident of Village Saidpur(Alipur) P.S. Sonepur, District Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate.

For the Opposite Party : Mr. Indu Bala Pandey (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-02-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Sonepur P.S. Case No. 51 of 2008 for the offences instituted under Sections 302/34 of the IPC and Sections 25(1-b)A and 27 of the Arms Act.

The prosecution story, in brief, is that on 15.03.2008 at 1.00 P.M. accused Daroga Rai, Sipahi Rai, Jimdar Rai, Akhilesh Rai, Shiv Jee Rai, Indal Rai, Anil Rai, Raju Rai, Dinesh Rai, Madan Rai, Barrister Rai, Collector Rai and two unknown persons having arms in their hands surrounded the deceased Mahavir Rai and attacked upon him and killed which was seen by the informant while he was going through his boat to Diara. Upon hearing the



sound of firing, the informant returned and when his son and nephew tried to rescue then Raju Rai and Shivjee Rai attacked upon them and Akhilesh Rai fired through firearms and all the accused persons fled away by boat to Diara. According to the F.I.R., prior to the occurrence on 14.03.2008 Daroga Rai and Indal Rai after some quarrel both had threatened to kill the father of the informant.

It has been submitted on behalf of the petitioner that final form was submitted by the police in the present case and the same was accepted by the learned court below. Summon has been issued against the petitioner under Section 319 Cr. P.C. With the similar facts, other co-accused has been granted anticipatory bail by this Court vide Cr. Misc. No. 54634 of 2015.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and has actively participated in the occurrence.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Sessions Trial No. 732 of 2008, arising out of Sonapur P.S. Case No. 51/2008 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two

sureties of the like amount each to the satisfaction of the learned
A.D.J. XIth, Saran at Chapra, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)