

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42920 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Upendra Rai S/o Badal Rai Resident of village - Faijulohpur (Kalyanpur Tola), P.S. Baikanthpur, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rananjay Kumar

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 18-10-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under

Sections-302, 307 & other minor sections of the Indian Penal

Code.

No doubt, in the alleged occurrence, two persons were

killed but the petitioner was granted privilege of anticipatory bail

by a coordinate bench of this court vide order dated 08-04-2016

passed in Cr. Misc. No. 8093 of 2016. However, before passing of

the above-said order, the petitioner surrendered before the court

below and, was taken into custody on 31-03-2016.

It appears to me that the aforesaid fact was not brought

to the notice of the court, when the anticipatory bail petition of the

petitioner was being considered by a coordinate bench of this court.

So far as merit of the present case is concerned; it is specific case of the prosecution that other FIR named accused made firing causing fire-arm injury to informant's father and others and, it is alleged that when one Rajendra Rai came to rescue of injured and deceased, he was, mercilessly, assaulted by all the FIR named accused by means of various weapons.

Annexure-2 to this petition goes to show that the wife of Rajendra Rai lodged Baikunthpur P.S. Case No. 42 of 2015 against the prosecution party of the present case for killing of her husband. The present occurrence appears to have taken place on account of land dispute.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Baikunthpur P.S. Case No. 40 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj.

(Hemant Kumar Srivastava, J)

A.K.V./-

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