

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4062 of 2016

Arising Out of PS.Case No. -395 Year- 2015 Thana -PATORI District- SAMASTIPUR

1. Bisheshwar Rai
2. Vakil Rai,
3. Nagina Rai,
Petitioner nos. 1 to 3 are sons of Nirpat Rai,
4. Sujit Rai, Son of Nagina Rai,
5. Ranjit Rai, Son of Vakil Rai,
6. Karoo Rai,
7. Bhogendra Rai,
Petitioner nos. 6 and 7 are sons of Late Baran Rai @ Late Ram Baran Rai
All are resident of village - Aamidpur Dhamaun, P.S. - Patory, District - Samastipur.

..... Petitioner/s
Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen
For the Opposite Party/s : Mr. Ram Bachan Singh (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 21-04-2016 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners has filed a supplementary affidavit for rectification of the name of the father's name of petitioner no. 4 and also petitioner no. 6.

Let the names be corrected accordingly, as per paragraph no. 4 of the supplementary affidavit.

The petitioners apprehend their arrest in connection with Patory P.S. Case No. 395 of 2015 registered for the offences

punishable under Sections 341, 323, 324, 307, 147, 148 and 379A of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation against the petitioners is general and omnibus. The main allegation is against one Manoj Rai, who is not the petitioner in the present case. It is further submitted that the allegation with respect to snatching of the gold chain as also other offence like trying to outrage the modesty of the wife of informant are merely ornamental in nature.

Learned counsel for the informant submits that the petitioners have a history of litigation and the parties have been litigating with each other for the past many years in which the petitioners have been convicted by the Court below and their appeals are pending before this Court in which they have taken the privilege of bail. However, they have not honored and have violated the benefit which was extended to them. It is further submitted that the injuries were also grievous in nature and therefore, the petitioner may not be extended the privilege of anticipatory bail considering their criminal antecedents.

Learned counsel for the State submits that save and except the allegations made in the First Information Report, there is no specific allegation against these petitioners.

Considering the nature of allegation and also the fact that there is no specific role assigned to these petitioners, let the petitioner Nos. 2 to 7, namely, Vakil Rai, Nagina Rai @ Nagendra Rai, Sujit Rai, Ranjit Rai, Karoo Rai and Bhogendra Rai, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is/are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Samastipur in connection with Patory P.S. Case No. 395 of 2015 (G.R. No. 2390 of 2015), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that if the petitioner shall indulge in any untoward act towards the informant side, it shall be open for the informant to approach this Court or the Court below for appropriate order including the modification/cancellation of the order of the anticipatory bail passed by this Court.

(Anjana Mishra, J)

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