

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11591 of 2016

Arising Out of PS.Case No. -378 Year- 2015 Thana -DIGHA District- PATNA

1. Randhir Rai @ Randhir
2. Mukesh Rai @ Mukesh Kumar
3. Chandra Shekhar Rai
All sons of Surendra Rai, resident of Village- Digha Ashiyana Road, P.S.-
Digha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Anuj Kumar

For the Opposite Party/s : Mr. M. Dayal (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 24-05-2016 Heard Mr. Yogesh Chandra Verma for the petitioners
and Mr. M. Dayal, APP for the State.

Petitioners apprehend their arrest in Digha P.S. Case No.
378 of 2015 registered under Sections 341, 333, 353, 504, 506,
224, 225/34 of the Indian Penal Code.

The allegation is that when the informant went to arrest
Randhir Rai (petitioner no. 1), it is stated that father of petitioner
no. 1, brother (petitioner no. 2) and another brother (petitioner no.
3) obstructed. The further allegation is that petitioner no. 3 also
assaulted with lathi on the informant.

Contention of the petitioners is that the case in which the
informant is said to have effected arrest relate to theft of energy in
which the loss amount was already deposited. It does not appear to

reason how the accused persons could offer resistance and retrieve the person when there were more than six Police Personnel.

Learned APP opposes the prayer and submitted that petitioner no. 3 not only obstructed in due discharge of duty but also assaulted the informant.

Considering the facts and circumstances of the case, the prayer for bail on behalf of petitioner no. 3 namely Chandrashekhar Rai is rejected. He may surrender and seek bail which shall be considered on its own merit unprejudiced by the present order.

So far as petitioner nos. 1 and 2 namely Randhir Rai @ Randhir and Mukesh Rai @ Mukesh Kumar are concerned, in the event of arrest or surrender in the Court below within four weeks, they are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in Digha P.S. Case No. 378 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear

in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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