

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5681 of 2016

Arising Out of PS.Case No. -30 Year- 2015 Thana -CHAURI District- BHOJPUR

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1. Digvijay Rai , son of Ravindra Rai
 2. Rahul Rai, son of Ravindra Rai
 3. Birendra Rai, son of Late Baidyanath Rai
 4. Shibbu Rai son of Birendra Rai
 5. Bittu Rai son of Birendra Rai
 6. Vishal Rai, son of Devendra Rai
 7. Devendra Rai son of Late Rajnath Rai
- All are resident of village Dullamchak, Police Station Chauri, district Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Md.Arif (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-02-2016 Heard Sri Manish Kumar No. 2, learned counsel for the
petitioners and Mr. Md. Arif, learned A.P.P.

Seven petitioners, apprehending their arrest in connection with Chauri P.S. Case No. 30 of 2015 registered for the offence under Section 147, 148, 149, 504 and 307 of the Indian Penal Code and Section 27 of the Arms Act have prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioners that on perusal of the of the F.I.R. it is evident that due to dispute in respect of construction of embankment the occurrence had taken place. Earlier the informant's side were the aggressors and



they had committed offences under Section 307 and other allied Sections of the Indian Penal Code, 27 of the Arms Act for which a case vide Chauri P.S. Case No. 29 of 2015 was registered. He further submits that though in the F.I.R. it was alleged that accused persons were firing but there is no injury on any of the persons from the informant's side. He submits that only with a view to create a defence in the earlier case the present F.I.R. has been lodged and about 32 persons have been made accused in the present case. He further submits that at least one of the co-accused of the present case namely Ravindra Rai has already been extended the privilege of anticipatory bail on 17.12.2015 vide Cr. Misc. No. 56909 of 2015.

Besides hearing I have also perused the material on record.

Keeping in view the fact that one of the co-accused having similar accusation without any distinction has already been extended the privilege of anticipatory bail, there is no reason to deny the prayer of petitioners. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioners Digvijay Rai, Rahul Rai, Birendra Rai, Shibbu Rai, Bittu Rai, Vishal Rai, Devendra Rai be enlarged on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two

sureties of the like amount each to the satisfaction of Sri N. Dayal, Judicial Magistrate, 1st Class, Bhojpur at Ara / court concerned in connection with Chauri P.S. Case No. 30 of 2015 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

Praful/-

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