

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37747 of 2016

Arising Out of PS.Case No. -114 Year- 2016 Thana -BANIAPUR District- SARAN

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1. Ramesh Rai, Son of Late- Shivji Rai, Resident of Village- Lawa Kala,
Police Station- Baniyapur, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate.

For the Opposite Party/s : Mr.M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 18-10-2016 Heard the counsel for the petitioner and Mr. Dayal

APP for the State.

The petitioner is facing prosecution under Section
307/34 of the IPC vide Baniyapur P.S. Case No. 114 of 2016 and
prays for grant of anticipatory bail.

On putting up the husk staked on a land the
occurrence is said to have been committed. Prior to this, the
petitioner had also lodged a case under Section 307 of the IPC
against the present prosecution side for having assaulted him and
other family members. It is submitted that in retaliation the
present case has been lodged. At best, the petitioner was asserting
his right over the property. He has no criminal antecedents.

Looking to the facts of the case and other materials

available on record, I am persuaded to extend him the privilege of anticipatory bail. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Saran at Chapra, in connection with Baniyapur P.S. Case No. 114 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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