

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10652 of 2016

Arising Out of PS.Case No. -100 Year- 2012 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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1. Pankaj Rai
 2. Deepak Rai Both (1 and 2) sons of Surendra Rai
 3. Sajit Rai @ Sanjeet Rai
 4. Sujit Rai Both (3 and 4) sons of Late Ram Pravesh Rai
 5. Pramod Rai, son of Baijnath Rai. All the accused (1 to 5) R/o of Village- Litiyahi, P.S.- Raghapur, O.P. Rustampur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav, Advocate

For the Opposite Party/s : Mr. H.A.Khan(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-04-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Raghapur (Rustampur O.P.) P.S. Case No. 100 of 2012 registered
for offence punishable under Section 307 and other allied sections
of the Indian Penal Code.

Anticipatory bail application of the petitioners was
earlier rejected vide order dated 10.12.2015 passed in Cr. Misc.
No. 51076 of 2015.

It has been submitted by the learned counsel for the
petitioners that one of the main co-accused, Rajiv Rai has since



been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 17.12.2015 passed in Cr. Misc. No. 56970 of 2015. He submits that the case of the petitioners is on better footing than that of accused Rajiv Rai and prays that the petitioners may also be granted the privilege of anticipatory bail.

The prosecution case, in brief, is that on 20.08.2012 while the informant was sleeping at his door, petitioner nos. 1 and 2 poured some red colour powder on his body and petitioner nos. 3 and 4 lit match-stick and threw it on the body of the informant, as a result of which his whole body caught fire. Petitioner no.5 along with 8-9 unknown persons exploded bomb and fled away.

It has been submitted by the counsel for the petitioners that the date of occurrence is 20.08.2012 and First Information Report has been lodged on 12.09.2012. Furthermore, it is submitted that the petitioners were not sent up for trial, but on the basis of protest petition, learned Magistrate has taken cognizance of the offence against the petitioners. It has further been submitted that the informant was a criminal and while making bomb, the bomb exploded on which he sustained burn injuries resulting in his death, which fact has been supported by the villagers, Mukhiya and Sarpanch of the said Panchayat. It has also been submitted

that there is enmity between the petitioners and the informant for which Raghapur P.S. Case No. 93 of 2012 has been lodged against the informant by the petitioners for kidnapping the mother of petitioner no.3. Statement has been made in paragraph 3 of this application that petitioners have no criminal antecedent.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report and hence, opposes the prayer for bail.

Considering the fact that co-accused, Rajiv Rai has since been granted the privilege of anticipatory bail as also the fact that petitioners have not been sent up for trial on conclusion of investigation, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of Mr. A. Alam, learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Raghapur (Rustampur O.P.) P.S. Case No. 100 of 2012, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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