

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51260 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -ISUAPUR District- SARAN

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1. Tarkeshwar Rai, Son of Shri Brijnath Rai
2. Harendra Rai, son of Yadunath Rai
3. Chhotelal Rai, son of Mohan Rai
4. Brijnath Rai, son of Late Bachcha Rai
All are residents of village- Hankarpur, P.S.- Isuapur, District- Saran
(Chapra)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-01-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 307/149 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that the petitioner no.1 Tarkeshwar Rai and the petitioner no.2 Harendra Rai are alleged to have assaulted the informant by Farsa and Garasa respectively on the vital part of body of the informant including the head, as has been disclosed in the FIR vide Annexure-1, their prayer for anticipatory bail in connection with Isuapur P.S. Case No.31 of 2015 pending in the court of learned Judicial Magistrate-1st Class, Chapra, District-Saran is rejected. However, if they surrender in the court below within a period of one month from today and apply for regular bail, then the same shall be considered and decided on its own merits without being prejudiced by the

rejection of their prayer for anticipatory bail by the present order.

So far petitioner no.3 Chhotelal Rai and the petitioner no.4 Brijnath Rai are concerned, though they are also named in the FIR vide Annexure-1 as accused persons, but no specific role has been assigned to them in commission of crime in question and also taking into consideration the fact that in identical circumstances co-accused Raghunath Rai and co-accused Pintu Rai have been granted anticipatory bail today itself vide order passed in Cr.Misc.No.48051 of 2015, their prayer for anticipatory bail is allowed.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the petitioner no.3 Chhotelal Rai and the petitioner no.4 Brijnath Rai be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra, District-Saran in connection with Isuapur P.S. Case No. 31 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,

(B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving

opportunity of hearing to all concerned;

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Prasad Verma, J)

Arvind/-

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