

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8795 of 2016

Arising Out of PS.Case No. -806 Year- 2015 Thana -KANKARBAGH District- PATNA

1. Tarkeshwar Rai,
2. Ramesh Rai,
3. Chandeshwar Rai, All sons of Late Ram Pujan Rai, resident of Mohalla
Azad Path, Gali No. 05, P.S. Kankarbagh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Adv.

For the Opposite Party/s : Mr. Anil Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302 and 120B/34 of the Indian Penal Code.

The prosecution case is that on 30.11.2015 at 4 PM when the informant was in his house, he heard the gunshot firing when he came on the roof to see his brother Ram Kumar lying on the ground in injured condition when co-accused Pramod Rai, Shankar Rai, Chhotu Rai, Binod Rai, Rajesh Rai and Mahesh Rai were seen fleeing away from the place of occurrence while resorting fire in air. The informant further saw the petitioners standing near the cattle shed of Vinod Rai near the place of

occurrence.

It is submitted by learned counsel for the petitioners that though, the petitioners were described to be found standing near the place of occurrence but their names have not been mentioned in the accused column of the FIR but during investigation accusation has also been levelled against these petitioners. It has further come during investigation that on the order of Pramod Rai, Chhotu Rai fired. The postmortem report reflects only one injury to the victim. Though, for the same occurrence, two cases being Kankarbagh P.S. Case No. 390 of 2009 and Complaint Case No. 3437C of 2009 were lodged by the family members of the victim but in those cases the petitioners are on bail and apart from the above cases, petitioners are not accused in any other case.

It is submitted by learned counsel for the informant that petitioner no.1 has suppressed that he is accused in one other case also being Complaint Case No. 3816 of 2013 filed under Section 498A of the IPC by the daughter-in-law of petitioner no.1, though, it is submitted by learned counsel for the petitioners that in above case the petitioner no.1 is on bail.

Considering the fact that specific overt act has not been levelled in the FIR and only suspicion was raised against the petitioners, let the above named petitioner nos. 2 and 3 be released

on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Patna in connection with Kankarbagh P.S. Case No. 806 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner no.1 is concerned, since he has not made correct statement with regard to criminal antecedent, hence this Court is not inclined to grant anticipatory bail to the petitioner.

Let the learned court below consider the prayer for regular bail of petitioner no.1 if he surrenders within a period of six weeks.

Accordingly, application with regard to petitioner no.1 Tarkeshwar Rai is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--