

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21114 of 2017

Arising Out of PS.Case No. -62 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Arvind Kumar Rai @ Arvind Rai, Son of Shravan Rai,
2. Prashant Rai @ Prashant Kumar, Son of Shravan Rai,
3. Mukesh Kumar, Son of Devendra Rai.
4. Tuntun Rai @ Tuntun Kumar, Son of Ram Briksha Rai.
5. Devendra Rai, Son of Ram Briksha Rai,
All Resident of Village- Samachak, P.S.- Hajipur Sadar, District- Vaishali.
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi
For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 01-07-2017 Heard the Counsel for the petitioners and Mr. Dayal,

APP, for the State.

All the five petitioners herein have been named in the
F.I.R. being Hajipur Sadar P.S. Case No. 62 of 2015 registered
under Sections 341, 323, 324, 504, 506, 354, 379 and 307/34 of
the Indian Penal Code. Apprehending their arrest, the present
application is filed for anticipatory bail.

Counsel for the petitioners submits that bona fide land
dispute resulted in the occurrence wherein one of the co-accused
also filed case against the present prosecution party. Referring to
the F.I.R., it is submitted that the allegation worth the name is
against petitioner nos. 1, 2 and 4 in so far as Sections 307 and 354



IPC is concerned. Co-accused Sarwan Rai, against whose specific allegation is made has also filed a case against the prosecution party.

Be that as it may, considering the fact that there is no allegation of assault or outraging the modesty of the lady against petitioner Nos. 1, 2 and 4, I am inclined to direct their release on anticipatory bail. Prayer for anticipatory bail made on behalf of petitioner nos. 3 and 5 has been rejected. They shall surrender in the Court below and seek bail.

Petitioner Nos. 1, 2 and 4 abovenamed, in the event of their arrest or surrender in the Court below within four weeks, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Sadar P.S. Case No. 62 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any



cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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