

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50611 of 2017

Arising Out of PS.Case No. -102 Year- 2017 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

=====

1. Akshay Rai, son of Raj Narayan Rai
2. Kishori Rai, son of late Ram Nandan Rai
All resident of village – Bangri, P.S. – Kanti, District – Muzaffarpur.
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Alok Kumar Alok, Advocate

For the Opposite Party : Mr. Sri Mithilesh Kumar Khare, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 17-10-2017 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners, in the present case, are seeking
anticipatory bail in connection with Kanti P.S. Case No.
102/2017 for the offences under Sections 147, 148, 149,
341, 342, 323, 307, 379, 427 & 427 of the Indian Penal
Code, pending in the court of learned S.D.J.M., (West),
Muzaffarpur.

Learned counsel for the petitioners submits that
the prior enmity between the petitioners and the informant
is apparent from the F.I.R. as contained in Annexure-2
being Kanti P.S. Case No. 93/2016 under Sections
302/120(B)/34 of the Indian Penal Code lodged by Kira



Rai. Learned counsel further submits that a perusal of the F.I.R. would show that the allegations of assault on the head of Bipin Sing is attributed to Upendra Rai and Kira Rai. So far as these two petitioners are concerned, there is no specific allegation of assault against them, though they are said to be present on the alleged place of occurrence. Learned counsel further submits that the informant is an accused in Kanti PS.. Case No. 87/2017 lodged by Kira Rai, the present case is only in retaliation of the said case. Learned counsel further submits that Kira Rai against whom there is an allegation of assault has been granted privilege of regular bail by a coordinate Bench of this court in Cr. Misc. No. 45189/2017.

Learned APP opposes the prayer for bail of the petitioners.

Considering the facts and circumstances particularly that these petitioners have no criminal antecedent and there is no specific allegation of assault against them, in the event of their arrest/surrender before the court below within a period of four weeks, let the petitioners above-named be enlarged on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., (West), Muzaffarpur in connection with Kanti P.S. Case No. 102/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

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

