

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61387 of 2017

Arising Out of PS. Case No.-526 Year-2016 Thana- BIHTA District- Patna

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1. Gopal Rai, S/o- Late Siparshan Rai,
 2. Amir Lal Rai @ Amir Rai, S/o- Sri Kitab Rai, Both R/o- Village- Raipur Bindgawan, P.S.- Doriganj, District- Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mrs. PUSHPA SINHA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 394, 324, 302, 342, 364, 201 and 506 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Dhiraj Pandey is to the effect that on 31.07.2016 at 12 PM, the informant's uncle Pramod Pandey went to his agricultural field where all the FIR named accused persons including the petitioners were present variously armed from before and they surrounded the uncle of the informant and caught hold of him and started taking him to a different village and when the uncle of the informant raised alarm, then co-accused Sipahi Rai fired



on the mouth of the informant with rifle and thereafter, other accused persons also resorted to fire. Thereafter, accused persons left the scene after threatening to kill the entire family.

It is submitted by learned counsel for the petitioners that specific accusation of firing has been alleged against co-accused Sipahi Rai. The postmortem report reflects only one injury on the mouth of the victim which has been assigned the reason of death. Though there is accusation of firing against other accused persons also, but the FIR does not suggest that it hit any one. A statement has been made in paragraph no.3 of the petition that petitioner no.1 is accused in two other cases, but he is on bail in those cases. Though, petitioner no.2 is also involved in two other cases, but in Doriganj P.S. Case No. 114 of 2014, the bail bonds have been cancelled. A supplementary affidavit to that effect has been filed.

On that ground alone, this Court is not inclined to exercise the discretion for grant of anticipatory bail to petitioner no.2.

Learned court below may consider the prayer for bail of the petitioner if he surrenders within a period of six weeks.

Accordingly, the application with regard to petitioner no.2 is disposed of.

So far as petitioner no.1 is concerned, since there is no



specific accusation against him, let the above named petitioner no.1 be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Danapur in connection with Bihta P.S. Case No. 526 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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