

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31016 of 2017

Arising Out of PS.Case No. -83 Year- 2017 Thana -SONEPUR District- SARAN

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1. Bharat Rai S/o Late Shri Bhola Rai R/O Village- Chhitarachak, P.S.-
Sonepur, District- Saran

2. Balinder Rai @ Sunil Rai S/o Lal Babu Rai R/O Village- Sabalpur,
Pashimtola, P.S.- Sonepur, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava, Advocate

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-08-2017 Heard learned counsels for the petitioners and the State.

The petitioners apprehend arrest in Sonepur P.S. Case
No. 83 of 2017 instituted for the offence under Sections 147, 148,
149, 341, 342, 323, 325, 332, 333, 353, 307, 379, 504, 427, 120
(B) of the IPC and ¾ of Damage to Public Property Act.

It is alleged in the written report that on the date of
occurrence the informant with other police party seized five trucks
as mentioned in written report and was taking the trucks to police
station. It is alleged that two home guards namely Manoj Kumar
Rai and Vinay Kumar Singh were sitting by side of the driver of
truck no. BR-01GF-2499, when the truck reached near school,
Vikash Kumar, driver of the truck deliberately with a view to



commit murder of home guards overturned the trucks and started running away. The police attempted to apprehend Vikash Kumar then 17 named accused persons along with 130-140 unknown persons, attacked upon the informant and police force with rod, lathi and danda due to which the informant and other constables sustained injuries. The injury report is annexed as Annexure-3 series to this petition. The doctor found the injuries of the informant and other persons as minor and simple in nature. From the written report it is apparent that there is no allegation of specific overt act against the petitioners.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Sonapur P.S. Case No. 83 of 2017 to the satisfaction of learned Addl. Chief Judicial Magistrate-1st, Chapra subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two



consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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