

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5380 of 2017

Arising Out of PS.Case No. -128 Year- 2016 Thana -MALSALAMI District- PATNA

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1. Rajdev Rai son of Late Shri Mangera Rai
 2. Baliram Rai son of Late Shri Parma Rai
 3. Subodh Rai alias Mukhiya son of Late Shri Rajvallabh Rai
 4. Rajesh Rai son of Shri Subodh Rai
 5. Shivlagan Rai son of Late Shri Bunde Rai
 6. Ram Janak Rai son of Late Shri Bunde Rai
 7. Hajarva son of Late Shri Shyam Rai
 8. Kunnat Rai son of Late Shri Sukhu Rai
 9. Ghunghun Rai son of Late Shri Subodh Rai All are the Resident of Mohalla- Pather Ghat, Maroof Ganj, P.S. Malsalami, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Seikh Md. Azimuddin &
Mr. Kaushal Kishor, Advocates.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-03-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Malsalami P.S. Case No. 128 of 2016 for the offences punishable under sections 147, 148, 149, 341, 323, 337, 324, 307 and 427 of the I.P.C and section 27 of the Arms Act.

Allegedly, 16 accused persons named in the FIR including the petitioners being variously armed came and started



demolishing the hut, though for the said land case is going on in the court, resulting the same was protested then they attacked on the informant and his men. Jagdeep Rai told his son Hari Rai to shoot and then Khamu caught the informant and Hari Rai opened fire with pistol which hit near the testicle of the informant and he became seriously injured. They were instigating to kill everybody and thereafter the informant was brought to N.M.C.H and from there he was referred to P.M.C.H. Chandradeep Rai, Basisth Rai and others also received injuries and they were treated in N.M.C.H, Patna.

Submission is of false implication and that against the petitioners there is no specific allegation, they have been made simply the members of mob, there is case and counter case, Lagan Rai and Jagdish Rai have also been injured, in the counter case 22 accused persons have been allowed pre-arrest bail vide Cr. Misc. No. 47100 of 2016 by another co-ordinate Bench of this Court and as such the petitioners also deserve sympathetic consideration.

The learned A.P.P. fairly submits that in the counter case the accused persons have been allowed pre-arrest bail.

In the facts and circumstances as stated above, the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a 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 to the satisfaction of. A.C.J.M. PatnaCity (Patna) in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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