

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12448 of 2017

Arising Out of PS.Case No. -1548 Year- 2001 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Bhola Rai S/o Late Ram Sagar Rai
2. Prahalad Rai S/o Bhagat Rai
3. Ram Padarath Rai S/o Atwari Rai
4. Ram Pukar Rai S/o Janak Rai
5. Chandreep Rai @ Deep Narayan Rai, S/o Late Ramjee Rai
All resident of village – Rani Tola, P.S. – Bachhawara, District – Begusarai.
..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar
For the Opposite Party/s : Mr. Anil Kumar
For Informant : Mr. Manish Kumar No. 2
Mr. Avinash Kumar Singh.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-03-2017 The petitioners are apprehending their arrest in connection with Complaint Case No. 1548C/2001, registered for offences punishable under Sections 149 & 302 Indian Penal Code.

It has been submitted on behalf of the petitioners that for the same occurrence earlier an F.I.R was registered by the chowkidar, in which police after investigation submitted final form, which has been accepted by learned Magistrate. Later on a complaint has been filed by the father of the deceased, in which cognizance has been taken and processes were issued against the petitioner but as a matter of fact the deceased was killed by a mob of villagers on the pretext that he was a robber and petitioners are



no way concerned in the said occurrence. Further there is delay of about 15 days in filing the present case, which itself shows that only to harass the petitioners, false case has been filed.

Heard learned A.P.P. and learned counsel for the complainant, they have opposed the prayer for bail. Learned counsel for the complainant has submitted that the petitioners had specific role to play on the said occurrence as the deceased was earlier a witness in a case, in which one of the petitioners was accused. So far delay in lodging the present complaint case is concerned, it has been submitted that complainant had approached the police to file the case but the police was not ready to lodge the case.

Having heard both sides, in view of the fact that earlier for similar occurrence an F.I.R was instituted but the police after investigation submitted final form that has been accepted by learned Magistrate and on the basis of present complaint case another round of litigation has started, as such, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of



learned ACJM-V, Begusarai, in connection with Complaint Case No. 1548C/2001 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) Petitioners shall not try to tamper with the evidence and also shall not induce any witness.
- (iii) The petitioner shall cooperate in the trial and make himself available as and when required by the court and on the event of failure on their part to appear before the court on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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