

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5104 of 2018

Arising Out of PS. Case No.-142 Year-2016 Thana- MARHAURA District- Saran

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1. Laxman Rai, Son of Late Nanhku Rai,
 2. Krishna Rai, Son of Mithilesh Rai.
 3. Saheb Rai, Son of Jaglal Rai @ Jaylal Rai,
 4. Mithilesh Rai @ Mithilesh Pd. Son of Laxman Rai.
 5. Raj Kishore Rai, Son of Jaglal Rai @ Jaylal Rai, All are resident of Village and P.O.- Bhualpur, P.S.- Marhowrah, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Sri Madhuranand Jha

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 30-01-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in Marhowrah P.S. case no. 142 of 2016, instituted for the offence under Section(s) 147, 148, 149, 504, 447 and 307 of the Indian Penal Code and Section 27/30 of the Arms Act.

Learned counsel for the petitioners submits that instant case has been filed due to political rivalry between the parties during the panchayat election.

It is alleged in the written report that firing was made by the accused persons and on the arrival of the police party the accused persons managed to run away. The seizure list has been enclosed with the F.I.R. which clearly shows that there is no recovery of any



empty or live cartridge from the place of occurrence. It is also apparent from the written report that no injury has been sustained by anybody. It is mentioned in para-3 of the petition that petitioners have no criminal antecedents.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Marhowrah P.S. case no. 142 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saran at Chapra subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) 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 date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper 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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