

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15742 of 2018

Arising Out of PS. Case No.-134 Year-2017 Thana- RAGHOPUR District- Vaishali

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1. Manoj Rai, S/o Kapil Rai,
 2. Manoj Rai S/o Gaina Rai,
- Both R/o Village- Rustampur, Panchpairiya, P.S.- Raghapur
(Rustampur O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad
For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 12-09-2018 Heard learned counsel for the petitioners and counsel
for the State.

In the present case, the petitioners are apprehending their arrest in connection with Raghapur (Rustampur) P.S. Case No. 134 of 2017 registered for offence under Sections 147, 148, 149, 341, 342, 323, 384, 386, 427, 504 of the Indian Penal Code and Section 27 of the Arms Act.

An allegation has been made that the present petitioners with one Binod Rai and his son, armed with different weapons, went to the place of the Informant and demanded Rs. 25 lacs by way of Rangdari, in case of non-payment, he will be finished and the body will be thrown in the Ganga river, whereafter, Binod Rai resorted to firing and punctured the tyre



of the vehicle as well as the accused persons damaged the pick-up van and other machines standing there.

Even though serious allegation has been made against Binod Rai, who has been granted anticipatory bail by the Additional District Judge, 2nd, Vaishali, Hajipur vide order dated 27.3.2018 in A.B.P. No. 388 of 2018 and this Court has sought explanation from him as to in what circumstances, he has granted bail when serious allegation has been made against Binod Rai, in turn, he has submitted his explanation which does not satisfy this Court, let the matter be placed before the Inspecting Judge for consideration of his explanation and necessary action.

This Court is of the view that the Additional Sessions Judge, 2nd, Vaishali, Hajipur has ignored the fact that when there is a direct allegation against him, he was not expected to grant anticipatory bail to Binod Rai on the plea that the Company has entered into the agreement to supply the material and some money was standing against the Informant when there is no material proof in this regard.

The petitioner no.2 has criminal antecedent which fact has been brought on record by way of filing a supplementary affidavit.



This Court does not find it sufficient ground for grant of privilege of anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners are rejected.

However, if the petitioners surrender before the court below within a period of six weeks from today, the court below, without being prejudiced by this order, will pass orders in accordance with law.

(Shivaji Pandey, J)

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