

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14379 of 2018

Arising Out of PS.Case No. -257 Year- 2017 Thana -DARIYAPUR District- SARAN

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1. Ashok Rai @ Ashok Kumar Rai, S/o Ambika Rai, R/o Village- Chhatar Chapra, P.S.- Dighwara, District- Saran.
2. Krishna Rai S/o Gajadhar Rai,
3. Randhir Rai S/o Krishna Rai, Both R/o Village- Akbarpur, P.S.- Dariyapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 06-04-2018 Supplementary affidavit is filed on behalf of the petitioners.

Heard learned counsel for the petitioners and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Dariyapur P.S. Case No. 257 of 2017 registered for the offences punishable under Section 307 and other minor sections of the Indian Penal Code.

It is alleged that petitioner no. 1 along with F.I.R named accused forcibly demolished the shops of the informant and



others and when protest was made, he opened fire of his riffle. The petitioner no. 1 and his associates assaulted the injured persons of this case. The reason behind the alleged occurrence is said to be land dispute for which the lis is pending.

Learned counsel appearing for the petitioners submits that there is only allegation against the petitioner nos. 2 and 3 that they were conspirator and admittedly, the petitioner nos. 2 and 3 had not taken active part in the alleged occurrence and so far as petitioner no. 1 is concerned, there is only allegation of making firing but admittedly, no one sustained any firearm injury. It is further submitted that as a matter of fact, it was prosecution party who assaulted petitioner no. 1 and others as a result whereof they sustained grievous injury. On the other hand, learned counsel appearing for the informant points out that having more or less similar allegation, the case of co-accused Navin Kumar has already been disposed of by a Co-ordinate Bench of this Court directing him to surrender before the court below.

In view of the aforesaid facts as well as submissions of the parties, the prayer for anticipatory bail of petitioner no. 2 and 3, namely, Krishna Rai and Randhir Rai is allowed and it is ordered that both the above stated petitioner nos. 2 and 3 in the event of his arrest/ surrender within four weeks from the date of



receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate- IV, Chapra in Dariyapur P.S. Case No.257 of 2017 subject to condition as laid down under Section 438(2) of the Cr.P.C.

So far as prayer for anticipatory bail of petitioner no. 1 Ashok Rai@ Ashok Kumar Rai is concerned, the same stands disposed of with direction to him to surrender before the court below within six weeks from today and, if he does so, and seeks regular bail, the concerned court shall consider the regular bail application of the petitioner no. 1 on its own merit without being prejudiced by this order, particularly, keeping in mind that petitioner no. 1 allegedly sustained injury in the alleged occurrence.

(Hemant Kumar Srivastava, J)

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