

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5038 of 2018

Arising Out of PS.Case No. -462 Year- 2017 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Sujit Rai, S/o Late Bishun Rai,
2. Shrawan Rai S/o Birendra Rai,
3. Lutani Rai @ Sanjay Rai @ Lutkun Rai @ Sanjeev Rai S/o Birendra Rai,
All R/o Village- Adalpur, P.S.- Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 01-02-2018

Heard both sides.

The petitioners apprehend their arrest in Hajipur Sadar P.S. Case No.462 of 2017 registered under Sections 307 and other Sections of the Indian Penal Code, Section 27 of the Arms Act and Section 4, 40(viii) of the Bihar Mines and Mineral Rules.

The S.I. alleged that he got information that Bipin Choudhary has stored sand in his shop, Bankapur Balu Bhandar and inquired from Bipin Choudhary but in the meantime, 30-40 persons having armed with different weapons came and started pelting stones on the police personnel.

The learned counsel for the petitioners submits that



Bipin Choudhary and Ajay Rai who have stored the sand have already been granted anticipatory bail vide order passed in Cr. Misc. No.48666 of 2017 and Cr. Misc. No.60284 of 2017. The petitioners are of course named in the F.I.R. but there is no specific allegation against the petitioner. It is submitted that petitioners were not even present on the place of occurrence but they have been falsely implicated in the case.

Considering the facts that the persons who had assembled the sand for sale have already been granted anticipatory bail and no specific allegation is made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.462 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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