

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30724 of 2018

Arising Out of PS.Case No. -71 Year- 2017 Thana -SAHPUR District- PATNA

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1. Sunil Rai Son of Late Kailka Rai
 2. Vishok Rai
 3. Ashok Rai Both are Sons of Ram Rup Rai
- All are R/o Hawaspura, P.S. - Shahpur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 18-05-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 506, 379, 307, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Gopal Rai recorded by A.S.I. of Shahpur P.S. on 13.04.2017 at 6.00 A.M. at PMCH Surgical Ward is to the effect that on 12.04.2017 at 6.00 P.M. the informant's son Ratnesh Kumar was gone to bring milk but on the way, Bega Rai, Subodh Rai, Bittu Kumar, Golu Kumar and 5-6 unknown persons snatched the



motorcycle and Rs.350/- of the son of the informant. The informant's son came home and subsequently the passersby informed that the motorcycle is lying near a tree then the informant along with his son went there but one of the accused Govind Rai exhorted others to kill and then one of the accused started firing in the air. The informant and his son started fleeing away and one of them fired at the informant causing injury on the right knee. Thereafter the informant was taken to hospital. The petitioners' name sprang up during investigation.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the FIR. The name of the petitioners sprang up during investigation and there is no recovery from the petitioners. Though, the petitioners are accused in one another case in which they are on bail. It is further submitted that FIR named accused persons have been granted anticipatory bail by co-ordinate Benches of this Court vide Cr. Misc. Nos. 38927 of 2017 and 42950 of 2017.

Learned APP submits that the name of the petitioners sprang up during investigation.

Considering the fact that the FIR named accused persons have been granted anticipatory bail, let the above named petitioners be released on anticipatory bail in the event of



arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur in connection with Shahpur P.S. Case No. 71 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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