

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7175 of 2018

Arising Out of PS.Case No. -418 Year- 2016 Thana -PATORI District- SAMASTIPUR

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1. Baijnath Rai, S/o Late Pradeep Rai,
2. Pramod Rai S/o Baijnath Rai,
3. Shankar Rai S/o BAijnath Rai, All Village- Hardaspur, P.S.- Patori,
Mohanpur O.P., Distt.- Samastipur, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 07-03-2018

At the outset, the learned counsel for the petitioners seeks to withdraw the bail application as far as the petitioner no. 1 is concerned, with liberty to approach the learned trial court for grant of regular bail.

Accordingly, the present petition, qua the petitioner no. 1, is dismissed as withdrawn with liberty to petitioner no. 1 to approach the learned trial court for grant of regular bail.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Patori P.S. Case No. 418 of 2016 registered for the offence punishable under Sections 147, 148, 324 and 302 of



the Indian Penal Code and Section 27 of the Arms Act.

Now, coming to the merit of the case, according to the written report, on the order of one Garvdeo Rai, Binod Rai fired on the neck of the husband of the informant resulting in his death.

The learned counsel for the petitioners submits that the postmortem of the deceased would bear it out that the doctor had found only one wound of entry and exist on the person of the deceased and the petitioners no. 2 and 3 herein are alleged to be members of the unlawful assembly. It is further submitted by the learned counsel for the petitioners no. 2 and 3 that barring one case they have a fair antecedent and in the said case they are on bail. It is also contended that similarly situated co-accused person has been granted anticipatory bail by this Court by an order dated 16.10.2017 passed in Criminal Misc. No. 47813 of 2017.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioners no. 2 and 3 herein to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection



with Patori P.S. Case No. 418 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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