

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46594 of 2018

Arising Out of PS.Case No. -133 Year- 2018 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Rahul Kumar @ Rahul Rai S/o Ram Pravesh Rai, R/o Vill.- Taiyabpur,
P.S.- Desari, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 25-08-2018 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Desari P.S.

Case No. 133/2018, instituted for the offences punishable under

Sections 147, 148, 149, 323, 324, 307, 379 and 504 of the Indian

Penal Code.

Learned counsel for the petitioner has submitted that

no case for offence under Section 307 of the Indian Penal Code is

made out against the petitioner. The petitioner is alleged to have

assaulted Samser Rai (informant) with iron rod on his leg. But

there is no injury report of the informant, as appear from the

impugned order. It is further submitted that on the same date of

occurrence, informant and other assaulted co-accused Hare Ram



Rai for which his wife Anita Devi went to lodge a case against the informant and other, but the police did not lodge the case.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Desari P.S. Case No. 133/2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. II, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J.)

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