

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24057 of 2018

Arising Out of PS.Case No. -182 Year- 2015 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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Dharmendra Rai @ Dharmendra @ Mirchaiya Rai @ Mirchaiya, son of
Gagandeo Rai, resident of Village- Manjan Chapra (Mojahida), P.S.- Mehshi,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 18-05-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, who is in custody since 09.02.2018, seeks
bail in connection with Mehshi P.S. Case No.182 of 2015
registered for the offences under Sections 147,148, 149, 323,
324, 307, 399, 402, 216A, 353 of the Indian Penal Code and
Section 27 of the Arms Act.

It is alleged that on 07.11.2015 the informant, who is
police officer, got secret information regarding plan of some
miscreants to commit dacoity. The informant along with police
party reached at the place of occurrence where some of the
miscreants started fleeing away. The informant apprehended this



petitioner. But the family members of the petitioner attacked on police and rescued the petitioner. The police party seized some incriminating articles from the place of occurrence and thereafter lodged the case.

It has been submitted that petitioner neither caused any hindrance to police party nor any incriminating material has been recovered from his possession. The allegation of firing against the petitioner is omnibus. The other co-accuseds having similar allegation have been allowed bail in Cr. Misc.No.47249 of 2017, Cr.Misc.No.16420 of 2016, Cr.Misc.No.17068 of 2016.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case and the fact that other co-accuseds have been allowed bail, the prayer of petitioner is allowed and he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the likewise amount each to the satisfaction of learned 6th A.C.J.M., Motihari (East Champaran) in connection with Mehshi P.S. Case No.182 of 2015 subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) If the petitioner is found involved in future in



similar type of allegation, the prosecution will have liberty to move for cancellation of bail.

- (iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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