

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74308 of 2018

Arising Out of PS. Case No.-1227 Year-2018 Thana- BIHTA District- Patna

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1. Raj Nandan Rai
 2. Jagdish Rai
 3. Mewa Lal Rai
 4. Ajab Lal Rai All are sons of Late Ram Ishwar Rai Resident of Village-Madhupur, Post Neora Police Station-Neora O.P. (Bihta), Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Sri Aditya Narayan Singh 1

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-12-2018 Heard learned counsel for the parties.

It is stated that petitioner no.2, namely, Jagdish Rai, during the pendency of this application, has been arrested and, as such, this application has become infructuous as against petitioner no.2.

In view of aforesaid submission, this application, to the extent it relates to petitioner no.2, stands dismissed as having become infructuous.

A supplementary affidavit is being filed, which is taken on record.

The case has been registered on 28.10.2018. It is alleged that the FIR named accused persons and others entered



into the house of the informant and attempted to outrage her modesty. They are also alleged to have assaulted her with iron rod(s) with an intention to kill her. There is allegation against the accused persons, Jagdish Rai and Mewa Lal Rai of having opened fire with country-made pistol(s).

Learned counsel, appearing on behalf of the petitioners, has submitted that, on the same day, the mother of the petitioners had got registered an FIR being Bihta P.S. Case No. 1226 of 2018, from which it would be evident that there is dispute between the two families over some piece of land. It is also submitted that apparently there is no fire-arm injury on the person of the informant and even if the allegation, which is there in the FIR is taken to be true, no offence under section 307 of the IPC can be said to be made out. There is no criminal antecedent against petitioner nos. 1 and 3. Against petitioner no.4, in the supplementary affidavit, it has been stated that he is an accused in Bihta P.S. Case No. 256 of 2010, registered for the offences punishable under Sections 392 and 411 of the IPC and Bihta P.S. Case No. 919 of 2016, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel, appearing on behalf of the



informant, on the other hand, has opposed the prayer for grant of anticipatory bail vehemently and submitted that considering the criminal antecedent of the petitioners and seriousness of the offence, they should not be allowed the privilege of anticipatory bail.

Considering the nature of allegation in the FIR and the counter version of the same occurrence, I am inclined to grant anticipatory bail in favour of petitioner nos. 1 and 3, namely, Raj Nandan Rai and Mewa Lal Rai, respectively. Accordingly, in the event of their arrest/surrender within six weeks from today in the Court below, they shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned ACJM-I, Danapur, Patna in Bihta P.S. Case No. 1227 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the said petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.



However, as the petitioner no.4, namely, Ajab Lal Rai, has criminal antecedent, his application for grant of anticipatory bail is rejected. He is directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If he does so, the court below shall consider his prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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