

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10131 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- MAHUA District- Vaishali

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1. VIJAY RAY son of Maheswar Ray Resident of village-Sadapur Mahua, P.s.- Mahua, District- Vaishali.
 2. Ram Vivek Ray son of Late Nathuni Rai Resident of village-Sadapur Mahua, P.S.- Mahua, District- Vaisali
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 20-02-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mahua P.S. Case No. 46 of 2018 for the offence under Sections 302, 201, 420 and 120(B)/34 of the Indian Penal Code.

The First Information Report has been registered on the basis of complaint case filed in the year 2015. It appears from the complaint petition that the alleged occurrence had taken place in Himachal Pradesh. Reliance is being placed on an order passed by the Sub Divisional Magistrate, Sarkaghat, District-Mandi (Himachal Pradesh), wherein he has concluded that the deceased died due to Blunt Trauma to chest and abdomen leading to hemiplegia shock. It has been submitted that a case was registered in Mandi in Sakraghat Police Station in the district of Mandi (Himachal Pradesh) on the basis of self-statement of S.H.O., Sakraghat Police Station.



Considering the facts and circumstances, in my view, though the case has been registered under Section 302 of the Indian Penal Code, in absence of any substantive material justifying implication of these petitioners, a case for grant of anticipatory bail is made out. This application is accordingly allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur, in Mahua P.S. Case No. 46 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 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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