

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16777 of 2019

Arising Out of PS. Case No.-74 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

1. SANTOSH RAI S/o Mahesh Rai Resident of village-Gadai Sarai, P.S-Hajipur Sadar, District-Vaishali.
2. Hari Rai S/o Sakindra Rai Resident of Village-Akilabad, P.S-Hajipur Sadar, District-Vaishali.
3. Sonu Tiwary, S/o Sanjan Tiwary Resident of Village-Chandralaya, P.S-Hajipur Sadar, District-Vaishali.
4. Ravi Kumar Rai S/o Kamakhya Narayan Rai Resident of Village-Gauspur Iira, P.S-Hajipur Sadar, District-Vaishali.
5. Arbind Rai S/o Raj Ballabh Rai Resident of Village-Gadai Sarai, P.S.-Hajipur Sadar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory
bail in connection with Hajipur Sadar P.S. Case No. 74 of 2018
registered for offence punishable under sections 143, 144, 145,
186, 188, 323, 333, 353, 307, 379, 506, 504 of the Indian Penal
Code, section 27 of the Arms Act and sections 4/40 (8)/8(D) of
the Bihar Mines and Minerals Act.

Allegation has been made that the Police had gone



to the house of Loha Rai and there Loha Rai along with his associates assembled and started firing which caused injury to one Monu Rai on his thigh. They have also resorted firing of four round and pelted stones and bricks. It also appears that some of the persons were also arrested from there and all were armed with different traditional weapons.

The learned counsel for the petitioners has placed reliance on the some of the orders which have been passed with respect to other co-accused persons. The specific allegation has been made against Loha Rai who has already been granted bail by one of the coordinate Bench of this Court in Cr. Misc. No.53049 of 2018 on 05.10.2018. He further submits that the petitioner has better case than Loha Rai.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 74 of 2018, subject to the conditions as laid down under section 438 Cr. PC and also



subject to the condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court. If the petitioners are found involved in similar type of allegation in future, the prosecution will have liberty to file an application for cancellation of their bail bond. Whenever the Police will call the petitioners for the purpose of interrogation/investigation, they would present themselves, In case of failure, the prosecution will have liberty to make a prayer for cancellation of his bail before the court below.

(Shivaji Pandey, J)

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