

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32325 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- MAHARAJGANJ District- Siwan

1. SUSHIL RAI @ SUSHIL KUMAR RAI Son of Sheonarain Rai @ Sheonarain Singh Resident of Village - Parsagarh, P.S.- Ekma, Dist.- Saran., Presently residing at Nayee Basti Maharajganj, Dist.- Siwan.
2. Rohit Singh @ Rohit Kumar Singh Son of Rajendra Singh Resident of Village - Basjauli, P.S.- Maharajganj, Dist.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Ojha
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 13-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 332, 353, 354, 308 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Maharajganj P.S. Case No. 40 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the accusations against the petitioners are highly improbable considering that the petitioner no. 1 is a Computer Engineer and the petitioner no. 2 is an Army man. The petitioner no. 1 had been recording the occurrence of the police severely beating up a person whom they had arrested while pushing him in the police jeep, from his house which is situated opposite to the examination centre at Bangra High School. It is further stated that the petitioners have been dragged in this case. It is highly unlikely that the armed police party could be overpowered by members of the petitioners' household, including lady members. The petitioners claim clean antecedents.

4. Learned APP appears and opposes anticipatory bail petition



on the basis of case diary.

5. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM V, Siwan, in connection with Maharajganj P.S. Case No. 40 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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