

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76023 of 2018

Arising Out of PS. Case No.-136 Year-2018 Thana- NAUTAN District- Siwan

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1. Sri Prakash Rai
 2. Omprakash Rai
Both sons of Kapildeo Rai
 3. Mantu Rai
 4. Sailesh Rai
Both sons of Om Prakash Rai
 5. Prince Kumar Rai @ Prince Rai, S/o Rinku Rai
 6. Bittu Kumar Rai S/o Yashwant Rai
All are Resident of Village- Khalwa, P.S. Nautan, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Manoj Kumar – 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2019 Heard learned Counsel for the petitioners, informant and
learned APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
147/148/149/452/307/504/506 of the Indian Penal Code and 27
of the Arms Act.

The prosecution case got initiated on the basis of written
report dated 15.07.2018 submitted by Rajeshwar Das to the
Station House Officer, Nautan Police Station to the effect that
on the same day at 3.55 PM., the informant, being the Mahanth
of Bhaktiyoga Ashram was in the premises of the Ashram, in the



meantime, six accused persons, including the petitioners entered into the premises of the Ashram and abused the persons who were present in the Ashram. The accused persons were looking for the informant, Mahanth Rajeshwar Das. Thereafter, the accused persons threatened Satyendra Patel and Sanjay Chauhan, the two other devotees. It is further alleged that on the order of petitioner no.1, Sri Prakash Rai, petitioner no.3, Mantu Rai fired on Satyendra Patel and Sanjay Chauhan, but the bullet did not hit them. In fact, all the accused persons wanted to grab the land and other properties of the Ashram.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of a serious land dispute, as the impugned order suggests that proceedings under Sections 144 and 146 of the Cr. P.C. were initiated between the parties. Admittedly, no injury was caused to anyone. Though except petitioner no.5, all the petitioners are accused in another cases, but they are on bail in these cases. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the informant that there is specific accusation of firing against petitioner no.3, Mantu Rai and for constituting the offence under Section 307 of



the IPC there is no need that any injury has to be caused to the victim.

Considering the accusation being levelled in the background of a land dispute, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 CJM, Siwan, in connection with Nautan P.S. Case No.136 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners will be accepted by the learned Court below on filing of separate affidavit by each petitioners to the effect that for next one year none of the petitioners will enter within 200 yards of the circumference of the Ashram. It is expected from the learned Court below to get the said affidavits transmitted to the SHO of concerned police station.

It is made clear that any violation of the aforesaid condition will give liberty to the learned Court below to cancel the bail bonds of the petitioners as well any non-reporting with regard to violation of the aforesaid condition to the learned



Court below by the SHO concerned will directly hold the concerned SHO of the Police Station responsible.

(Dinesh Kumar Singh, J)

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