

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38192 of 2019

Arising Out of PS. Case No.-142 Year-2017 Thana- PARSA District- Saran

Rambabu Ray, aged about 35 years, Gender-Male, Son of Balindar Ray
Resident of Village - Bhalwahiya, P.S.- Parsa, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Sanjana, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 307, 427 and 435 of the Indian Penal Code and Sections 3 and 4 of the Explosive Substance Act registered in connection with Parsa P.S. Case No. 142 of 2017. Subsequently, Section 302 of the IPC was added.

3. It is submitted that the petitioner has been falsely implicated in retaliation of earlier FIR lodged by the petitioner's side in Parsa P.S. Case No. 141 of 2017. It is submitted that specific accusation of hurling bomb on the informant causing injury is on co-accused Raghubansh Rai. The petitioner is said to have been present with his pistol but no overt act of assault has been alleged against him. The case of the petitioner stands on better footing than that of co-accused persons, Manager Rai, Arjun Kumar @ Arjun Kumar Rai and Mahendra Rai; and Amarnath Ray @ Amlesh Kumar Ray, Jalandhar Ray @ Surendra Ray and Dinesh Kumar have been granted anticipatory bail by this Court vide orders dated 03.04.2018 and 05.07.2018 passed in Cr. Misc. No. 5300 of 2018 and Cr. Misc.



No. 39145 of 2018 respectively. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Chapra in connection with Parsa P.S. Case No. 142 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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