

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17796 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- MADHUBAN District- East Champaran

1. RAKESH RAY Son of Sita Ray Resident of Village- Chauhaniya, P.S.- Madhuban, District- East Champaran.
2. Sheru Ray Son of Sita Ray Resident of Village- Chauhaniya, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Saran Tiwary, Adv.
For the Opposite Party/s : Mr.Ajay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-12-2020 Heard learned counsel for the petitioners and learned APP for the State, through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Madhuban P.S. Case No. 4 of 2020, registered under sections 353, 323, 341, 413, 414, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, a hero honda motorcycle was recovered from the house of Ashok Kumar Yadav and on asking for documents, he did not produce any paper. It is thereafter stated that the two petitioners herein came there, started to abuse the informant and facilitated the escape of Ashok Kumar Yadav.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are absolutely false.



Admittedly no incriminating article has been recovered from their possession. It is further submitted that in case the allegations against the petitioners were true, no reason have been given in the FIR, as to why the petitioners were not taken into custody. The petitioners have no criminal antecedent. The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Madhuban P.S. Case No. 4 of 2020, G.R. No. 187 of 2020, they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 4th, East Champaran, Motihari subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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