

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22278 of 2020

Arising Out of PS. Case No.-55 Year-2016 Thana- RAJPUR District- Buxar

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ALOK RAI S/o Sri Kuldeep Narain Rai Resident of Village- Karimuddinpur,
P.S.- Karimuddinpur, Distt- Gazipur (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-11-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Rajpur P.S. Case No. 55 of 2016, disclosing the offence under Section 307 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

It is the prosecution's case in the FIR that the police had got a secret information to the effect that two criminals, who were absconders, had taken shelter in the petitioner's house. A raid was conducted by the police. Allegedly, the said criminals, namely, Ramesh Rai and Chandan Rai opened fire targeting the police personnel. The police, in return, opened fire. The criminals, however, managed to escape.

Learned counsel appearing on behalf of the petitioner



has argued that it is evident from the FIR itself that two criminals, who were said to have taken shelter in the petitioner's house, were seen fleeing away by the police. The petitioner was not found present in the house. He has submitted that there is no allegation against the petitioner of any overt act. The only allegation against the petitioner is that his house was used by the criminals. He has submitted that the petitioner does not normally reside in the village where the occurrence had taken place. The petitioner was in the Indian Army and he retired while serving as Lieutenant Commander in 2011. He has submitted that there is no chance of the petitioner evading the course of investigation or trial nor there is any probability of him tampering with the evidence.

Considering the above noted facts and circumstances, particularly, the aspect that the only allegation against the petitioner is that the said miscreants had taken shelter in the petitioner's house, this application is allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Buxar in



Rajpur P.S. Case No. 55 of 2016, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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