

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81707 of 2019

Arising Out of PS. Case No.-257 Year-2017 Thana- DARIYAPUR District- Saran

CHANDESHWAR RAI Son of Ambika Rai Resident of Village - Chhatar Chapra, P.S.- Dighwara, Distt.- Saran.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate.
For the State : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 22-06-2020 Heard learned counsel for the petitioner and the learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Dariyapur P.S. Case No.257 of 2017 registered under Sections 147, 148, 149, 341, 323, 324, 337, 338, 379, 307, 427, 504, 506, 120B, 406 and 420 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that in the evening of 13.10.2017, 5 persons, named in the F.I.R., including the petitioner along with 20-25 unknown started to damage the shop of the informant Sheo Kumar Rai through JBC, loader and Hywa and to commit loot. When the informant and his other family members made protest, then Ashok Rai started to make firing through rifle.



Navin Rai also started to make firing through gun. On protest, Nageshwar Rai, Ranjan Rai and Panwa Kunwar started to cause assault to the informant and others. The cause of occurrence is that before three months, Ashok Rai, Chandeshwar Rai (petitioner) and Ramnath Rai with the help of Surendra Rai, Satyendra Rai and Birendra Rai got executed the sale deed regarding the land of the informant.

Learned counsel for the petitioner submits that while the petitioner is named in the F.I.R. but no specific overt act is attributed to him. More so, the co-accused Deepak Kumar, Birendra Rai and Satyendra Rai have already been granted the privilege of pre-arrest bail by a Coordinate Bench of this Court vide order dated 31.08.2018 passed in Criminal Misc. No.47980 of 2018. Further submission is that while the petitioner is accused in one more case, as detailed in paragraph-3 to this application, but the same was also lodged by the informant of the present case and in that case, the petitioner is on bail.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Saran at Chapra, in connection with Dariyapur P.S. Case No.257 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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