

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8365 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

1. BEER SIKANDAR RAI @ ALGU RAI Son of Somaru Rai R/o Village- Mahakampur Bara, P.S.- Muffasil, District- Bhojpur.
2. Sri Nath Rai Son of Late Budhan Rai R/o Village- Mahakampur Bara, P.S.- Muffasil, District- Bhojpur.
3. Pintu Rai Son of Sri Nath Rai R/o Village- Mahakampur Bara, P.S.- Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Munna Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-09-2021 Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner No. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner No. 2.

Learned counsel for the petitioner Nos. 1 and 3 is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.



The petitioner Nos. 1 and 3 are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that while the informant along with his brothers was coming to his house, the accused persons, variously armed, fired upon them due to which brother of the informant died.

It has been submitted on behalf of the petitioner Nos. 1 and 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos. 1 and 3. The petitioner Nos. 1 and 3 have falsely been implicated in the present case. The main allegation of firing is alleged against Bijendra Rai and Pappu Rai. So far petitioner Nos. 1 and 3 are concerned, no specific overt act is alleged against them. Other co-accuseds have been granted anticipatory bail vide order dated 17.12.2020 passed in Cr. Misc. No. 29432 of 2020.

On behalf of the State, it is submitted that the petitioner Nos. 1 and 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioner Nos. 1 and 3, above named, in the event of



arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M. -V, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 136 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner Nos. 1 and 3 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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