

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60808 of 2021

Arising Out of PS. Case No.-76 Year-2021 Thana- PATORI District- Samastipur

1. Maheshwar Rai S/O Mahindra Rai R/O Village-Hardaspur, P.S-Mohanpur Patory, District-Samastipur.
2. Monarik Rai S/O Maheshwar Rai R/O Village-Hardaspur, P.S-Mohanpur Patory, District-Samastipur.
3. Chanarik Rai S/O Maheshwar Rai R/O Village-Hardaspur, P.S-Mohanpur Patory, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-09-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 447, 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per FIR, named accused persons along with 30-35 unknown armed with weapons came on the land of the informant. On order of Sanjay Rai @ Dholak Rai, co-accused Nandu Rai opened fire upon the uncle of the informant causing firearm injury and later on he died.



Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that there is no specific overt act against the petitioners. He submits that there is specific allegation against co-accused Nandu Rai who fired upon the deceased. He further submits that petitioners have one criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Patory (Mohanpur O.P.) P.S. Case No. 76 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and further conditions that:

(1) that one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to



who he is related with the petitioners. He will also undertake to inform the court if there is any change in the address of the petitioners.

(II) that the petitioners will be well represented on each and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the petitioners will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

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(Anjani Kumar Sharan, J)

