

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15872 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- PATORI District- Samastipur

INDRESH RAI @ INDRESH KUMAR Son of Bhulan Rai R/v- Hasanpur
Surat, P.S.- Shahpur Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Shahpur Patori P.S. Case No.361 of 2022 instituted under Sections 447, 341, 323, 325, 307, 354, 504, 379, 34 of the Indian Penal Code lodged on 30.08.2022 by the informant Lagandeo Rai.

As per the prosecution story, the informant along with his wife Bifia Devi, Son Ramlal Rai, Second Son Premlal Rai were at his Bathan, which is situated at a nominal was taking rest. In the meantime brother of the informant namely Bhulan Rai along with his son, daughter and other unknown persons came at his Bathan and attacked them with iron rod, knife, fire arm and other weapons. Further allegation is that the all accused persons have attacked the informant and others in order to



eliminate them due to which the informant and others have received injury. The injured persons have received injuries on head and other part also. They were treated at Sub Divisional Hospital and injured Prem Lal was referred and brought to Private Nursing Home at Hajipur, where his treatment is going on. Further allegation is that accused persons also snatched ornaments from the body of the female members of the informant's side. While explaining the delay of filing case the informant has disclosed that due to busy with treatment of injured persons, the delay. Accordingly, the FIR.

Learned counsel for the petitioner submits that the allegation is omnibus in nature and taking into account the aforesaid facts the accused persons were granted the relief but this petitioner was denied the privilege only because another complaint case has been filed by the informant's side vide Complaint case No.1912/2022 which is pending before the appropriate court and cognizance has not been taken.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the aforesaid fact that all others have been granted anticipatory bail, the allegation is omnibus in nature, this Court is inclined to grant him privilege of



anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Shahpur Patori P.S. Case No.361 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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