

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31552 of 2023

Arising Out of PS. Case No.-218 Year-2008 Thana- SONEPUR District- Saran

1. DINA NATH RAI Son of Late Ramjeewan Rai Resident of Village - Alipur, Saidpur, Police Station - Sonpur, District - Saran at Chapra
2. Sujan Rai Son of Late Ramjeewan Rai Resident of Village - Alipur, Saidpur, Police Station - Sonpur, District - Saran at Chapra
3. Ranjeet Kumar Rai Son of Late Mahabir Rai Resident of Village - Alipur, Saidpur, Police Station - Sonpur, District - Saran at Chapra
4. Sujeet Kumar Rai Son of Late Mahabir Rai Resident of Village - Alipur, Saidpur, Police Station - Sonpur, District - Saran at Chapra
5. Santosh Kumar Rai Son of Sujan Rai Resident of Village - Alipur, Saidpur, Police Station - Sonpur, District - Saran at Chapra
6. Rakesh Rai Son of Sujan Rai Resident of Village - Alipur, Saidpur, Police Station - Sonpur, District - Saran at Chapra
7. Nagendra Rai Son of Dina Nath Rai Resident of Village - Alipur, Saidpur, Police Station - Sonpur, District - Saran at Chapra
8. Yogendra Rai Son of Late Ramjeewan Rai Resident of Village - Alipur, Saidpur, Police Station - Sonpur, District - Saran at Chapra
9. Surendra Rai Son of Late Ramjeewan Rai Resident of Village - Alipur, Saidpur, Police Station - Sonpur, District - Saran at Chapra
10. Madan Rai Son of Agnu Rai Resident of Village - Chakdariya, Police Station - Sonpur, District - Saran at Chapra

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State assisted by learned counsel for the
informant.

2. Learned counsel for the petitioners seeks



permission to withdraw this application in respect of petitioner nos.1 and 2, submitting that during pendency of this application petitioner nos.1 and 2 have already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner nos.1 and 2 only.

5. Now, this application survives for petitioner nos.3 to 10.

6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

7. All the accused persons named in the F.I.R. including these petitioners having with deadly weapons are said to have come at the house of the informant and resorted firing which killed the father of the informant.

8. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity. It is further submitted that the police after investigation has submitted final form and also directed to lodge the case against the informant. Thereafter, the informant filed a protest petition and on the protest petition the learned Court below took cognizance against these petitioners. The



allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

9. Learned APP assisted by learned counsel for the informant opposed the prayer for bail.

10. Having regard to the facts and circumstances of the case, let the above named petitioner nos.3 to 10, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 lower Court where the case is pending/successor Court in connection with U.T. Case No.92 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

10. However, petitioners are directed to cooperate in the trial and on the ground of their non-cooperation, the informant would be at liberty to move an application for cancellation of bail.

(Anjani Kumar Sharan, J)

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