

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63698 of 2022

Arising Out of PS. Case No.-343 Year-2022 Thana- BARHARA District- Bhojpur

1. NAND BIHARI RAI @ NAND BIHARI RAY Son of Late Sakaldeep Rai R/v- Ghusariya, P.S.- Barahara, District- Bhojpur (Ara)
2. SURUJ RAI Son of Late Ram Pravesh Rai R/v- Ghusariya, P.S.- Barahara, District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioners and the State through video conferencing in view of the Covid-19.

The petitioners apprehend their arrest in connection with Barahara P.S. Case No. 343 of 2022 instituted under Sections 307, 120B/34, 302 of the Indian Penal Code.

As per the prosecution story, the informant alleged that prior to the occurrence, the accused persons with whom they were on litigating terms had threatened of killing his son, Santosh Kumar. On the fateful day, when the informant was sitting with his son, Santosh Kumar (deceased), the accused persons came and allegation is that on the instruction of the two petitioners herein, accused Ritesh Yadav and Dinesh Yadav



opened fire which finally resulted into the death of the Santosh Kumar.

The learned counsel for the petitioners submit that specific allegation is against Ritesh Yadav and Dinesh Yadav of opening fire as a result whereof, the informant's son suffered injuries which finally resulted into his death. The role of order giver has been assigned to these two petitioners only to implicate them.

Learned counsel for the informant on the other hand submits that on their instruction, the two accused persons named opened fire and they cannot exonerate themselves from the responsibility.

Taking into account the fact that specific allegation has come against the two accused persons namely Ritesh Yadav and Dinesh Yadav, these two petitioners have been given the role of order giver, they do not have criminal antecedents, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Barahara P.S. Case



No. 343 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the further conditions :

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make himself available to the police as and when required;

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

(v) the petitioners 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 petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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