

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59925 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- SARAI RANJAN District- Samastipur

1. RAM SAGAR RAY @ RAI S/O LATE GANGO RAI R/v- Baruna Rasalpur Tole Jan Mohammedpur, P.S.- Sarairanjan, District- Samastipur
2. JAGARNATH RAY S/o Late Gango Rai R/v- Baruna Rasalpur Tole Jan Mohammedpur, P.S.- Sarairanjan, District- Samastipur
3. KUNDAN KUMAR S/o Ram Sagar Rai R/v- Baruna Rasalpur Tole Jan Mohammedpur, P.S.- Sarairanjan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachchidanand Choudhary, Advocate
For the Opposite Party/s : Mr.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioner apprehends his arrest in connection
with Sarairanjan P.S. Case 104 of 2022 for the offence
registered under Sections 341, 323, 324, 326, 307, 354 and
504/34 and Section 27 of the Arms Act.

As per the prosecution story, the petitioners, who are
agnates to the informant due to land dispute, barged on the land
of the informant and started uprooting the trees present there
and in the process, allegation against the petitioner no. 3,



namely, Kundan Kumar is of opening fire on the wife of the informant which however, missed and did not hit her. Against other accused persons, the allegation is of assault whereafter informant's family members took the injured to the Sadar Hospital, Samastipur and then to the D.M.CH. for better treatment.

Considering the kind of allegation that has come against the petitioner no. 3 Kundan Kumar of opening fire on a lady, wife of the informant, this court does not deem it fit and proper to extend the privilege of anticipatory bail to him which is accordingly, rejected.

So far as petitioner nos. 1 and 2, namely, Ram Sagar Ray @ Rai and Jagarnath Ray respectively are concerned, considering the omnibus allegation is against them, nothing has been attributed and further they will have to face the music, this Court is inclined to grant them to extend the privilege of anticipatory bail.

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

Let the petitioner nos. 1 and 2, Ram Sagar Ray @ Rai and Jagarnath Ray in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall



be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of A.C.J.M., III, Samastipur in connection with Sarairanjan P.S. Case No. 104 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C with 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 leave their district (Samastipur) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark their attendance;

(iv) upon return to their district, they shall visit the concerned police station every fortnight for the next six months to mark 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 their 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)

Jagdish/Neha/-

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