

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71463 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- NAUTAN District- Siwan

RAJENDRA RAI Son of Late Sukhdev Rai Resident of Village - Chainpur,
P.S.- Hathua, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 101 of 2022 for the offence registered under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant alleged that when he along with his brother reached near under construction house of Ganesh Chauhan, the three accused persons namely, Jaswant Rai, Digvijay Rai and Rajendra Rai came on a motorcycle from behind and allegation is that Jaswant Rai opened fire causing injury and immediate death of his brother. Further, when he cried for help, the accused persons fled away but not before the Digvijay Rai and Rajendra



Rai opening fire in the air. Accordingly, the FIR has been lodged.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that specific allegation has been made against Jaswant Rai while only to implicate the other two accused persons, it has been alleged that they also opened fire.

Learned APP for the State opposes the prayer for anticipatory bail.

Taking into account the fact that specific allegation that has come against the Jaswant Rai, only against this petitioner is of opening fire in the air, this Court is inclined to extend him privilege of bail.

Let the petitioner, 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 ACJM-6th, Siwan in connection with Nautan P.S. Case No. 101 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 petitioner who shall provide official document to show



his/her *bona fide*;

(ii) 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;

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

(iv) 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 his bail bonds;

(v) 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.

(vi) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

(Rajiv Roy, J)

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