

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78487 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- RAGHOPUR District- Vaishali

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1. VIKASH KUMAR S/O RAJENDRA RAY @ RAJENDRA KUMAR R/O VILLAGE- MOHANPUR, WARD NO.-5, RAGHOPUR, DISTT.- VAISHALI.
 2. AKASH KUMAR S/O RAJENDRA RAY @ RAJENDRA KUMAR R/O VILLAGE- MOHANPUR, WARD NO.-5, RAGHOPUR, DISTT.- VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Miritunjay Kumar, Advocate
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Raghopur P.S. Case No. 101 of 2022 for the offence registered under sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code lodged on 22.03.2022 by the informant Kamlesh Rai.

3. As per the prosecution story, there is allegation of assault on Dinesh Ray, Rajendra Ray, Manoj Ray, Ravindra Rai, Rajiv Ray, Satish Ray and Binod Ray of using iron rod, *garasa* as also stones to kill his father. So far as these petitioners are concerned, the allegation is that they caught hold of his father.



Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that they are young sons of Rajendra Ray and only because he is one of the main accused against whom allegation of assault is there, the sons have also been dragged in with allegations. It is his further submission that allegation against Pradeep Kumar @ Pradeep Kumar Rai @ Nanhak was also of having caught hold of the informant's father who has been granted anticipatory bail by a co-ordinate bench of this Court in Cr. Misc. No. 69075 of 2023.

5. Let the same be kept on record.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that allegation against them is of having caught hold of the informant's father.

7. Taking into account the submissions put forward by the parties, the FIR, admittedly, the main accusation is/are against the accused persons named above including the father of the two petitioners. They are young, though allegation of having caught hold of the informant's father is there, FIR lodged, ultimately they will be facing the trial, putting them behind bar is may be prejudicial to their future, similar situate Pradeep Kumar @ Pradeep Kumar Rai @ Nanhak has since been granted



relief, as stated above, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioners 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 Judicial Magistrate, Vaishali at Hajipur in connection with Raghapur P.S. Case No. 101 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 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;

(iv) 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;

9. With the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

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