

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60882 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- MAHINDWARA District- Sitamarhi

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RADHAMOHAN RAI @ RADHAMOHAN YADAV @ RADHAMOHAN PRASAD Son of Late Arjun Rai @ Arjun Yadav Village- Salemapur Ps-Rampur Hari Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Heard Mr. Pushpendra Kumar Singh, learned counsel
for the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Mahindwara P.S. Case No. 77 of 2024 for the offence under Sections 386, 302 and 34 of the I.P.C. and Section 27 of the Arms Act lodged on 21.06.2024 by the informant, Krishna Kumari.

3. As per the prosecution story, the informant who is widow of the deceased alleged that her husband was running a C.S.P. Centre and on the fateful day, the accused persons including this petitioner armed variously came and demanded money (extortion). Later, it is alleged that Manikant Rai, Rakesh Rai and Saroj Rai opened fire causing injury. Though he was taken to Maa Janki Hospital, Muzaffarpur, was declared dead. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a



perusal of the FIR would show that specific allegation has been made against Manikant Rai, Rakesh Rai and Saroj Rai and only to implicate the other accused persons, his name has come in the FIR.

5. It is the further case of the petitioner that he being eighty two years old person cannot go with the revolver and demand extortion.

6. An Aadhar Card document of the petitioner has been provided to show that he is eighty two years old person. Let the same be kept on record.

7. Learned APP opposes the prayer submitting that he has criminal antecedent and allegation is that he was also armed when this incident took place.

8. Though there is allegation against the petitioner, specific allegation is against Manikant Rai, Rakesh Rai and Saroj Rai, he being eighty two years of age, no direct allegation of opening fire is against him and on this ground alone, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

9. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi, in



connection with Mahindwara P.S. Case No. 77 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative 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 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 his 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 the 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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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