

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71574 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- DORIGANJ District- Saran

1. Ramswarup Rai @ Ram Swarup Ray S/O Babulal Rai Village- Raipur Bindgawa, Ps. Doriganj, Dist. Saran
2. Hiralal Rai S/O Babulal Rai Village- Raipur Bindgawa, Ps. Doriganj, Dist. Saran
3. Rinku Rai @ Prem Chandra Rai S/O Babulal Rai Village- Raipur Bindgawa, Ps. Doriganj, Dist. Saran
4. Awadhesh Rai S/O Babulal Rai Village- Raipur Bindgawa, Ps. Doriganj, Dist. Saran
5. Gopal Rai @ Gopl Rai S/O Babulal Rai Village- Raipur Bindgawa, Ps. Doriganj, Dist. Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the State : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Sanjay Kumar Jha, learned counsel for the petitioners and Mr. Ram Naresh Ray, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Doriganj P.S. Case No. 123 of 2022, F.I.R. dated 31.03.2022 for the offences punishable under Sections 147, 148, 504, 506 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, petitioners along with others co-accused persons are said to have fired upon the



nephew of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that there is specific allegation of firing is attributed against the accused persons, namely, Manu Rai, Ram Kanhai Rai & Gopal Rai. He further submits that Ram Kanhai Rai along with other co-accused persons has been granted anticipatory bail by the learned Sessions Judge, Saran at Chapra vide order dated 14.12.2022 in A.B.P. No. 1639 of 2022. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act except the Gopal Rai who have fired along with the co-accused persons to the nephew of the informant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that there is no allegation of any assault or overt act attributed against the petitioners except petitioner no.5 and even-though the allegation against the petitioner no.5 is that he along with other co-accused persons have fired upon the nephew of the informant but the co-accused person, namely,



Ram Kanhai Rai has been granted anticipatory bail by the learned Court below itself, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XII, Saran at Chapra in connection with Doriganj P.S. Case No. 123 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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