

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77994 of 2023

Arising Out of PS. Case No.-29 Year-2020 Thana- DIGHWARA District- Saran

1. MANISH RAI @ MANISH KUMAR S/O NAGENDRA RAY VILLAGE-DUMARI GOLA, PS. NAYA GAON, DIST. SARAN
2. BITTU RAI @ BITTU KUMAR S/O LATE RAMJI RAY VILLAGE-DUMARI GOLA, PS. NAYA GAON, DIST. SARAN
3. CHIRAIYA RAI @ ASHISH KUMAR S/O HARBANSH RAY @ HARIBANSH RAY VILLAGE- DUMARI GOLA, PS. NAYA GAON, DIST. SARAN

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Dighwara P.S. Case No. 29 of 2020 for the offence under sections 341, 323, 379, 384, 504, 506/34 of the I.P.C. and 27 of the Arms Act lodged on 01.02.2020 by the informant, Bimal Prasun.

3. As per the prosecution story, the informant alleged that he has a line hotel at NH-10 where the accused persons came with bottle of liquor, ordered dinner and once it was over, the staff asked money whereafter they started assaulting and opened fire. They also further took away Rs. 19,000/- from the



cash box. Everything was recorded on the CCTV, the accused identified which followed the FIR.

4. Learned counsel for the petitioners submit that due to issue relating to the payment, some scuffle took place which has been exaggerated, they do not have criminal antecedent and further, one similar situate, Alok Kumar Singh has been granted anticipatory bail vide Cr. Misc. No. 61192 of 2022 by a co-ordinate Bench.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 5,000/- each (totalling Rs. 15,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer stating that all of them have been identified in the CCTV footage.

7. Though their names have come on the basis of CCTV footage, taking into account that they do not have criminal antecedent and a similar situate, Alok Kumar Singh has



since been extended relief, as stated above, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 15,000/- as undertaken by the learned counsel for the petitioners.

8. Let the petitioners 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 ACJM, IIInd, Saran, in connection with Dighwara P.S. Case No. 29 of 2020 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 of the petitioners who shall provide official document to show his/her 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 appear before the concerned police station every month for one year to mark their attendance;

(iv) 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 the bail bonds;

(v) 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)

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