

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86537 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- BRAHMPURA District- Muzaffarpur

RAHUL KUMAR YADAV SON OF SANJAY RAY @ SAJAN RAY
RESIDENT OF VILLAGE - BRAHMPURA, KRISHNA TOLI, P.S. -
BRAHMPURA, DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-01-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Brahmpura P.S. Case No. 35 of 2023 for the offence under sections 307/34 of the I.P.C. and 27 of Arms Act lodged on 20.02.2023 by the informant, Janvi Kumari.

3. As per the prosecution story, when the informant alongwith her mother and brothers were present in their house and the allegation is that one Toffie Rai opened fire which hit her mother. He thereafter escaped and the informant could see another young person fleeing with him. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the specific allegation is against Toffie Rai and according to the prosecution, the



person escaped with him was the petitioner herein, he has no role to play in the matter nor has any knowledge about the opening of fire.

5. Learned APP opposes the prayer stating that he was also alongwith Toffie Rai when the alleged pellets were fired.

6. Taking into account the the aforesaid submissions put forward by the parties as also that the specific allegation is against Toffie Rai, the petitioner is twenty years of age, a student as informed by the learned counsel for the petitioner, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. 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, East, Muzaffarpur, in connection with Brahmpura P.S. Case No. 35 of 2023 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 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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