

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4730 of 2024

Arising Out of PS. Case No.-276 Year-2023 Thana- MASHRAK District- Saran

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ARVIND KUMAR @ ARVIND RAI S/O- SURAT RAI R/O VILL
BANGRA, PS- MASHRAKH, DIST- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP
For the Informant	:	Mr. Jeetendra Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard Mr. Nalin Kumar, learned counsel for the

petitioner and Mr Jeetendra Narayan, learned counsel appearing

on behalf of the informant.

2. The petitioner is apprehending his arrest in
connection with Mashrakh P.S. Case No. 276 of 2023 for the
offence under sections 341, 323, 325, 307, 34 of the I.P.C.
lodged on 27.05.2023 by the informant, Dharmendra Kumar
Yadav.

3. As per the prosecution story, the informant alleged
that when his brother, Shailesh Kumar objected the digging of
the land, the accused persons armed variously started assaulting
him and his family members. The allegation is that Dharmendra
Rai gave 'rod' blow to Shailesh Kumar while Tarkeshwar Rai



gave 'khanti' blow to his mother, Gyanti Devi. Subsequently, the mother died. The other accused persons also assaulted. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of FIR would show that the main allegation is against Dharmendra Rai and Tarkeshwar Rai, omnibus allegation is against this petitioner as also one similar situate Ravindra Rai who has since been granted anticipatory bail by a co-ordinate Bench on 31.01.2024 vide Cr. Misc. No. 3749 of 2024.

5. Learned counsel appearing for the informant submits that all of them with common intention assaulted the informant's family which resulted into death of the informant's mother.

6. Though the role of the petitioner cannot be ignored, the fact remains that the main allegation is against Dharmendra Rai and Tarkeshwar Rai, similar situate Ravindra Rai has since been extended relief, the petitioner do not have criminal antecedent and as per the undertaking, will be co-operating in the investigation/trial, 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 J.M. 1st Class, Saran at Chapra, in connection with Mashrakh P.S. Case No. 276 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.

(Rajiv Roy, J)

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