

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10073 of 2016

Arising Out of PS.Case No. -76 Year- 2015 Thana -MALSALAMI District- PATNA

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1. Raj Narayan Rai @ Raj Narayan Son of Late Kamal Rai
 2. Naresh Rai
 3. Sanjay Rai
 4. Mahesh Rai @ Mahesh Kumar
All 2 to 4 are sons of Late Ramchandra Rai
 5. Shyam Babu Rai Son of Late Bishun Rai,
All 1 to 5 are resident of Mohalla- Rikabganj, P.S.- Malsalami, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 14-12-2016

Heard learned counsels for the petitioners

and the State.

The petitioners have renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 379, 504 and 506 of the Indian Penal Code.

The prosecution case is that 28 FIR named and 100 unknown persons made assault to the informant and when the brother of the informant came to rescue then he was also assaulted. The accused persons snatched gold chain and



cash of Rs.950/- of the informant.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. There is counter version of the occurrence also. The impugned order reflects that the injuries have been found caused by hard and blunt substance simple in nature.

The prayer for anticipatory bail has been renewed on the ground that similarly situated other accused persons have been granted anticipatory bail vide order dated 08.09.2015 passed in Cr. Misc. No. 36208 of 2015 by this Court, though others have been granted anticipatory bail vide Cr. Misc. Nos. 44295 of 2015 and 48394 of 2015 by co-ordinate Bench of this Court. This Court finds that except the order dated 08.09.2015 passed by this Court all the orders were passed subsequent to the order dated 16.09.2015. However, the order dated 08.09.2015, whereby co-accused persons were granted anticipatory bail vide Cr. Misc. No. 36208 of 2015 by this Court, was not brought to the notice of this Court and the case of the petitioners is distinguished from the present one since they have no criminal antecedent, but keeping in view of the fact that the other accused persons have been granted anticipatory bail, it is a case for consideration of prayer for bail, if the petitioners



surrender before the learned court below within three weeks from the date of receipt/production of a copy of this order in connection with Malsalami P.S. Case No. 76 of 2015 pending in the court of learned Judicial Magistrate, Patna City.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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