

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20044 of 2018

Arising Out of PS. Case No.-142 Year-2017 Thana- EKMA District- Saran

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1. Brajesh Ray, S/o Rajendra Ray,
 2. Mithilesh Ray @ Mithesh Ray, S/o Suresh Ray,
 3. Bajrang Ray S/o Dwarika Ray,
 4. Sunil Ray S/o Late Mahanth Ray,
- All R/o village- Tilkar, P.S.- Ekima, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 307, 323 and 341 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Deepak Kumar Prasad, recorded by C. Pandey, Sub-Inspector of B. Bazar Police Station on 13.06.2017 at 14.00 PM., at Sadar Hospital Chapra to the effect that earlier there was an altercation between the accused persons with the uncle and aunt of the informant, in which panchayati was also held, but co-accused Bijesh Rai, did not act as per the Panchayati, hence, the aunt of



the informant lodged complaint case. Petitioner no.2, Mithilesh Ray used to tease the cousin sister of the informant and in spite of protest being made, he did not leave teasing her. On 12.06.2017, when the informant was coming on a motorcycle, eight accused persons, including the petitioners, surrounded him in the meantime, co-accused, Bijesh Rai and Niwan Rai wrapped a towel around the neck of the informant and dragged him near a canal. Thereafter, and all the accused persons assaulted the informant. The occurrence was witnessed by one Jitendra Singh, the uncle of the informant.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general and the injuries have been found to be simple in nature. Moreover, co-accused Navin Ray, against whom there is specific accusation of putting towel around the neck of the informant and dragging him near the canal, has been granted anticipatory bail vide Criminal Miscellaneous No. 3923 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that the petitioner is named in the FIR.

Considering the fact that the accusation is omnibus and



general and the injuries have been found to be simple in nature, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, 1st, Saran at Chapra, in connection with Ekma P.S. Case No.142 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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