

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53169 of 2018

Arising Out of PS.Case No. -284 Year- 2016 Thana -DIGHA District- PATNA

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1. Munna Rai, Son of late Jasu Rai
2. Pintu Rai@Pintu Kumar, Son of Dayal Rai@ Ram Dayal Ray
Both Resident of Gate No. 93, Bans Kothi, P.S. Digha, District- Patna.
3. Ranjeet Rai
4. Sanjeet Rai
Both Sons of Radhika Rai
5. Sunny Mahto, Son of Indu Mahto
All are resident of Gate No. 95, Bans Kothi, Police Station-Digha, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are seeking anticipatory bail in connection with Digha P.S. Case No.284 of 2016 registered for offences punishable under Sections 147, 148, 323, 224, 225, 353 and 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are no doubt named in the FIR as the persons who had been involved in forcibly getting the absconder accused free from clutch of the police party, but there is no specific allegation



against these petitioners. It is also submitted that some of the named and unnamed persons have been granted privilege of anticipatory bail by a learned coordinate Bench of this Court.

On the other hand, learned APP for the State opposed the prayer for anticipatory bail by submitting that the allegations against these petitioners are required to be taken seriously while considering the prayer for anticipatory bail. It is stated that on 02.11.2016 when the police party went to the village Bans Kothi to arrest the absconder accused Praveen Kumar who was involved in a case under Sections 395 and 412 of the Indian Penal Code and against whom process under Sections 82 and 83 were already issued and when the said accused was arrested by the police party, his sister Madhu Devi and other family members and neighbours surrounded the vehicle of the police party, they stopped the vehicle from moving on the road and they forcibly took away the accused Praveen Kumar from the possession of the police party. It is also alleged that the armed forces were also assaulted by the persons who were at least fifty in number. These persons are specifically named amongst the persons who have been involved in snatching away the arrested accused Praveen Kumar.

Considering the facts and circumstances of the case



wherein this Court finds that there are allegations against the petitioners that they had actively participated in surrounding the police jeep and then snatching away the absconder accused Praveen Kumar from the clutch of the police party, this Court is of the considered opinion that the privilege of anticipatory bail cannot be granted in the facts and circumstances of the case. If the petitioners surrender within four weeks from today in the court below and pray for regular bail, there cases shall be considered by the court below keeping in mind the materials collected in course of investigation.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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