

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43264 of 2019

Arising Out of PS. Case No.-241 Year-2018 Thana- HATHAURI District- Muzaffarpur

JAINANDAN RAI @ JAINANDAN ROY S/o Late Mahendra Rai R/o
village- Berai, P.S.- Hathaury, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Yadav
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 27-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is in custody since 09.01.2019 in connection with Hathaury P.S. Case No. 241 of 2018, corresponding to G.R. No. 7098 of 2018 for the alleged offences under Sections 147, 148, 149, 447,323, 302 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated in connection with murder of Uttim Rai. The FIR has been lodged against as many as 14 named and 10 unknown persons and the accusations are general and omnibus in nature. The petitioner already suffered custody since 09.01.2019. Other co-accused persons namely, Bipin Ray, Sone Lal Rai, Nawal Rai and Rajesh Rai have been granted anticipatory bail and regular bail by this Court in Cr. Misc. No. 48991 of 2019, Cr. Misc. No. 20276 of 2019 and Cr. Misc. No. 19464 of 2019, respectively. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant opposes the petition submitting on the basis of para 7



and 10 of the case diary that several witnesses have supported the prosecution story and have specifically named the petitioner as having participated in the occurrence. It is submitted that other co-accused persons who have been granted anticipatory bail and bail by this Court are not similarly situated with the petitioner and there is specific accusation of assault by the petitioner along with other co-accused persons.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The petition stands dismissed.

Chandran/-

(Vikash Jain, J)

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