

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51263 of 2019

Arising Out of PS. Case No.-152 Year-2019 Thana- KOILWAR District- Bhojpur

1. Brahmdeo Rai, Son of Late Jawahir Rai @ Ramchandra Rai Resident of Village-Pacharukhiya, P.S.-Koilar, District-Bhojpur.
2. Mugal Rai @ Mogal Rai @ Mugol Rai @ Mongal Rai Son of Prahalad Rai Resident of Village-Pacharukhiya, P.S.-Koilar, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the Informant	:	Mr. Niranjan Kumar, Advocate
For the Opposite Party/s	:	Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 06-09-2019 Heard leaned counsel for the petitioners, learned counsel appearing on behalf of informant and the leaned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Koilar P.S. Case No. 152 of 2019, registered under Sections 147, 148, 149 and 302 of the Indian Penal Code, pending in the court of the learned Chief Judicial Magistrate, Ara.

The accusation is that informant Pawan Kumar Singh along with his brother Malay Singh and villagers Ramanuj Singh, Om Prakash Singh, Manish Kumar Singh and Niraj Singh proceeded from their houses to cast the vote at



Booth No. 270 situated at Janta High School, Rajapur. When they reached near Durga Bhawan Yagayasala then 14 persons named in the F.I.R. including the petitioners and 20 to 25 unknown having Farsa, Danda, Rod and other dangerous weapons raising slogans of “Lal Salam-Lal Salam” came near them and started quarreling and made inquiry about their castes and started to abuse saying that they are going to cast their vote for opponent. On the order of Nandjee Rai, Baidyanath Yadav assaulted his brother Malay Singh with the butt of the pistol then Malay Singh fell down and other persons caused injury through Lathi, Danda and Stick to Malay Singh. In marpit others also sustained injuries.

Learned counsel appearing on behalf of petitioner submits that, although, petitioners are named in the F.I.R., but no specific overt act has been attributed against the petitioners. In fact, the petitioners and other were going to cast their votes, but, in the way, occurrence took place. Further submission is that similarly situated co-accused Nandjee Rai has already been allowed privilege of pre-arrest bail by a co-ordinate Bench of this Court on 01.08.2019 vide Criminal Miscellaneous No. 48009 of 2019.

On the other learned counsel appearing on behalf



of informant submits that Malay Singh, brother of the informant, died in course of treatment. While the injuries of Ramanuj Singh, Urmila Kumari are simple in nature, but injury of Om Prakash Singh was grievous in nature. Further submission is that, in fact, petitioners are belonging to Pacharukhiya village and informant belongs to Rajapur, so there was no occasion of the petitioners and other accused to go in the village-Rajapur at the time of polling of vote. Further submission is that the pre-arrest bail of the similarly situated co-accused Sagir Hussain @ Sagir Hussain has already been rejected by a co-ordinate Bench of this Court on 08.08.2019 vide Criminal Miscellaneous No. 49733 of 2019.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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