

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71140 of 2019

Arising Out of PS. Case No.-2925 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. UPADHAYAY RAI @ VIJAY KUMAR RAY Son of Late Rajeshwar Rai
Resident of Village - Kharauna, P.S.- Tarari, Distt.- Bhojpur
 2. Naresh Kumar @ Bacha Rai Son of Upadhayay Rai @ Vijay Kumar Rai
Resident of Village - Kharauna, P.S.- Tarari, Distt.- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Son of Shiv Dayal Roy Resident of Village - Kharauna, P.S.-
Tarari, Distt.- Bhojpur. At Present resident of C/132, Police Colony
Ansihabad, P.S.- Gardanibagh, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-12-2019 Heard learned counsel for the parties.

Petitioner apprehend his arrest in a case registered for
the offence punishable under Sections 323, 341, 379, 427 and,
504/34 of the Indian Penal Code.

The accusation is that on 13.07.2018 at 2.00 P.M.,
complainant/O.P. No.2 along with his father and one Ajit
Kumar were going to his house situated at Police Colony from
the High Court boarding on car, when they reached at
Gardanibagh, all of a sudden, a Bolero vehicle overtook his car
and nine persons named in the complaint petition, including the



petitioners, came out from the Bolero vehicle on which complainant/O.P. No.2 identified all the nine persons, including the petitioners. Thereafter, they dragged the complainant along with his father and Ajit Kumar from the car and started abusing & assaulting by means of fists and slaps. At that time, all the persons were armed with pieces of bamboo, whereas Birendra was armed with pistol and they snatched Rs. 700/-, Rs.2000/- and Rs. 500/- from the pocket of complainant, his father and Ajit Kumar, respectively. At that time, petitioner No.3 Harihar Roy asked him to withdraw two complaint cases otherwise they will be killed. In the meantime, Dinesh and Kundan came, who saw the occurrence. They also snatched his case file from the car.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to animosity and land dispute. There is no specific allegation of any overt act against the petitioners. There is general and omnibus allegation against the petitioners. Similarly, situated co-accused persons have been granted anticipatory bail by co-ordinate bench of this Court vide order dated 17.07.2019 in Criminal Miscellaneous No. 24309 of 2019. Petitioners have got no criminal antecedent.



Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail in the event of his/her arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Complaint Case No. 2925 (C) of 2018**, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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