

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4831 of 2020

Arising Out of PS. Case No.-102 Year-2016 Thana- MADHUBAN District- East Champaran

RATNESH RAI S/o Wakil Rai @ Wakil Ray R/o village- Fazilpur, P.S.-
Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 171 (C) (F), 188, 333, 324, 323, 307, 332, 353, 341, 147, 148, 149 of the Indian Penal Code and Section 126 of Representation of People Act, 1951.

The prosecution case as per the self statement of S.I., Ramani, S.H.O., Madhubani Police Station is to the effect that on 23.04.2016 at 10.35 hours, one Mukesh Rai led a procession of 200-300 persons in support of one Rina Devi who was an electoral candidate for Mukhiya under G. P. Raj Gheghawa in the district of East Champaran. It is alleged that such procession was being carried out after period of election campaign was



over and hence, violated the Code of Conduct.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against the mob. The thrust of accusation is against co-accused, Mukesh Rai, who has been granted anticipatory bail by a Co-ordinate bench of this Court vide order dated 04.05.2017, passed in Criminal Miscellaneous No. 18745 of 2017 whereas other similarly situated co-accused, Suresh Rai and others have been granted anticipatory bail by a Co-ordinate bench of this Court vide order dated 07.12.2016, passed in Criminal Miscellaneous No. 51855 of 2016. Though the petitioner is accused in five other cases and he is on bail in all those cases.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the accusation being omnibus and general against the mob, coupled with the fact that other similarly situated co-accused have been granted anticipatory bail by different Co-ordinate benches of the Court, let the above named petitioner 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) with two sureties of the like amount



each to the satisfaction of the learned ACJM-IV, East Champaran at Motihari, in connection with Madhuban P.S. Case No.102 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, considering the criminal antecedent of the petitioner, as mentioned in paragraph no.3 of the application, the learned Court below will positively cancel the bail bonds of the petitioner, on his substantial involvement in any other offence.

(Dinesh Kumar Singh, J)

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