

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11446 of 2020

Arising Out of PS. Case No.-196 Year-2019 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Sunil Ray @ Sunil Kumar Ray @ Sunil Kumar Son of Late Ram Dhyan Ray Resident of Village - Kursaha, P.S.- Mohiuddin Nagar, District - Samastipur
 2. Mukesh Kumar Son of Kapeswar Ray Resident of Village - Kursaha, P.S.- Mohiuddin Nagar, District - Samastipur
 3. Jai Kishun Rai @ Jai Kishun Ray Son of Late Ram Chandra Ray Resident of Village - Kursaha, P.S.- Mohiuddin Nagar, District - Samastipur
 4. Viru Kumar @ Virendra Kumar @ Biru Kumar Son of Harish Chandra Ray Resident of Village - Kursaha, P.S.- Mohiuddin Nagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 27-08-2020 Heard learned counsel for the parties through video conferencing.

The petitioners apprehend their arrest in Mohiuddin Nagar P.S. Case No. 196 of 2019 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 379, 302, 506 of the Indian Penal Code.

As per FIR, allegation against petitioners is that they alongwith other accused persons have assaulted the informant, his father and one Nitish Kumar with *lathi*, *danda* and iron rod. It is further alleged that when uncle of informant came to save



them, petitioner no. 4 (Viru Kumar) and co-accused Chandan Kumar and Raushan Kumar caught him and co-accused Sushil Kumar and Raushan Kumar twisted neck of informant's uncle, as a result of which, informant's uncle died.

It is submitted on behalf of petitioners that there is general and omnibus allegation. It is further submitted that due to previous enmity, the present false case has been lodged.

However, considering the fact that there is serious allegation against petitioner no. 4 (Viru Kumar), I am not inclined to extend the privilege of anticipatory bail to him and as such, the anticipatory bail application, so far as petitioner no. 4 namely Viru Kumar is concerned, stands rejected.

So far as petitioner no. 1, 2 and 3 are concerned, there is general and omnibus allegation against them and as such, the anticipatory bail in respect of petitioner no. 1, 2 and 3 is allowed.

Accordingly, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the petitioner no. 1, 2 and 3 namely (1) Sunil Ray @ Sunil Kumar Ray @ Sunil Kumar, (2) Mukesh Kumar and (3) Jai Kishun Rai @ Jai Kishun Ray be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each



with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 196 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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