

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29432 of 2020

Arising Out of PS. Case No.-136 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

1. BHARAT RAI S/o Late Ramanand Rai Resident of Village-Mahakampur Bara, P.S.-Muffasil, District-Bhojpur.
2. Bhikhari Rai S/o Bharat Rai Resident of Village-Mahakampur Bara, P.S.-Muffasil, District-Bhojpur.
3. Raghuvans S/o Shital Rai Resident of Village-Mahakampur Bara, P.S.-Muffasil, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Tapeswar Sharma, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Ara Muffasil P.S. Case No. 136 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation as per the First Information Report is that 24 named accused persons including petitioners armed



with rifle, gun, lathi, rod etc. assembled and started making firing and about 10-15 unknown persons were standing at some distance. It has further been alleged that when the informant and his brother intervened in the matter, Bijendra Rai, fired upon brother of the informant on his head and Pappu Rai fired upon another brother of the informant near his armpit leading to his death.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case with oblique motive and due to village politics. Learned counsel further submits that in the entire First Information Report, there is no allegation of firing against the petitioners. At best the petitioners can be said to be the members of an unlawful assembly. No overt act has been alleged against the petitioners. Learned counsel also submits that counter case has also been lodged by the side of the petitioners, bearing Ara Muffasil P.S. Case No. 138 of 2020, by brother of co-accused Lal Mohar Rai.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that no specific allegation of firing has been made against the petitioners and no overt act has been attributed against them in the entire First Information Report as well as the petitioners



have no criminal antecedents, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-5/court concerned, Bhojpur at Ara, in connection with Ara Muffasil P.S. Case No. 136 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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