

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32649 of 2020

Arising Out of PS. Case No.-139 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

1. Subodh Kumar Rai @ Subodh Kumar Ray, male, aged about 35 years, S/o Sukho Rai.
 2. Rakesh Kumar, male, aged about 30 years, S/o Parmanand Mishra.
- Both are R/o Village - Shubhai, P.S. - Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 09-03-2021 Heard Mr. Manish Chandra Gandhi, learned counsel

for the petitioners and Mr. Parmanand Kumar, learned APP

for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Hajipur Sadar P.S. Case No. 139 of

2017, dated 13.04.2017, instituted for the offences under

Sections 427, 341, 323, 353, 379 and 504/34 of the Indian



Penal Code.

It appears from the F.I.R. that the informant who was driver of the fire services vehicle was assaulted by the villagers on his refusal to go in a particular direction.

Learned counsel for the petitioners has submitted that they have not been named in the F.I.R. and their prosecution in the instant case is only on the basis of confession of an arrested accused person, who has spoken about the involvement of the petitioners also in the occurrence. It has further been submitted that even though petitioner No. 2 had moved an application for anticipatory bail before the Court below earlier, but he did not surrender before the Court below at an earlier point of time for the reason that no warrant had been issued against him.

Though the implication of the petitioners in the present case is only on the basis of confession of an arrested accused person, but I am not inclined to grant anticipatory bail to them for the reason that they have yet not surrendered to the process of law, despite four years having passed by.



The prayer for grant of anticipatory bail of the petitioners is, accordingly, rejected.

However, if the petitioners surrender before the Court below and seek bail, the Court below, after taking into account the fact that their implication in the case is only on the basis of confession of an arrested accused person and that they have clean antecedents, shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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