

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39094 of 2020

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1. Ashok Kumar Rai @ Ashok Rai, aged about 42 years, male, son of Rambalak Rai
 2. Rajnish Kumar Rai @ Rajnish Rai, aged about 22 years, male, son of Kishori Rai.
 3. Deepak Rai, aged about 30 years, Male, son of Sundeshwari Rai
 4. Ratnesh Kumar Rai @ Ratnesh Rai, aged about 20 years, male, son of Kishori Rai.
 5. Dhurendhar Rai, aged about 45 years, male, son of Late Raghunath Rai.

All are resident of village Anandpur, P.S.-Sonepur, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-06-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social



distancing.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State, Sri Ashok Kumar.

This is an application for grant of anticipatory bail in connection with Sonapur P.S. Case No. 155 of 2020 registered for the offence punishable under Section 147, 149, 332, 333, 353, 448, 427, 342, 323, 504, 506 of the Indian Penal Code and later on, Section 3 /4 of the Public Property Destruction Act was added.

At the outset, the learned counsel for the petitioners submits that the petitioner no. 5 of this case has already been arrested, hence, the present petition is not being pressed qua the petitioner no. 5. Accordingly, the present petition qua the petitioner no. 5 stands dismissed as not pressed.

The case of the prosecution in brief is that an



accident had taken place in between one bullet motorcycle and a thela (cart), whereupon the driver of the said motorcycle and the thela owner had been grievously injured. Thereafter, some persons, more particularly one Niranjana Kumar, had arrived at the campus of the police station and disclosed about the incident, however, on account of negligent attitude of the police personnel he had gone away, however, subsequently he along with 50-100 persons had arrived at the police station and the mob had pelted stones at the door of the police station as also had ransacked the police station.

The learned counsel for the petitioners no. 1 to 4 submits that the petitioners no. 1 to 4 are innocent, they have been falsely implicated and they are having a clean antecedent. The learned counsel for the petitioners no. 1 to 4 has further submitted that the main accused in the present case is the aforesaid Niranjana Kumar and in fact,



the petitioners no. 1 to 4 do not have any role to play in the alleged incident and at best, they can be said to be members of an unlawful assembly, however, no specific allegation of any sort of overt act has been leveled as against them

Per contra, the learned APP for the State, Mr. Ashok Kumar, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners no. 1 to 4 and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been leveled against the petitioners no. 1 to 4, I deem it fit and proper to enlarge the petitioners no. 1 to 4 above named, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond



of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Saran at Chapra, in connection with Sonapur P.S. Case No. 155 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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