

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1298 of 2021

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

1. SUNIL RAI, Son of Sri Nath Rai R/o Village- Mahakampur Bara, P.S.- Muffasil, District- Bhojpura.
2. Dwarika Rai, Son of Late Ganesh Rai R/o Village- Mahakampur Bara, P.S.- Muffasil, District- Bhojpur.
3. Shiv Mohan Rai, Son of Dwarika Rai R/o 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

For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2021 Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Umesh Kumar Verma, learned counsel for the Informant. The State is represented by the learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Ara Muffasil P. S. Case No. 136 of 2020, dated 05.05.2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act, 1959.



The accusation against the F.I.R. named accused persons is that they resorted to firing and assaulted the members of the prosecution party, leading to death of two persons.

However, from the F.I.R., it has been argued on behalf of the petitioners, it can safely be concluded that the firing resorted to by co-accused Vijendra Rai led to the death of one Triloki Shankar, who is the brother of the informant. The assault by Pappu Rai led to death of Harishankar Rai. So far as the petitioners are concerned, they are said to be the members of the mob.

It has further been submitted on behalf of the petitioners that three persons having more or less similar allegations have been granted bail by a Bench of this Court.

I am not inclined to exercise my discretion for grant of anticipatory bail to the petitioners in this case in which they have been specifically named and in the occurrence so reported in the subject F.I.R., two persons



have died. Even though there is no specific accusation against the petitioners of having inflicted any fatal injury but the fact remains that only with the help of so many persons including the petitioners that the occurrence was committed and two persons have lost their lives.

The prayer for anticipatory bail is, therefore, rejected.

However, if the petitioners surrender before the court below and seek bail, the court below shall take into account the fact that some of the accused persons of this case have been granted bail by different Benches of this Court, and shall pass orders in accordance with law, without being prejudiced by the fact that the present petition on their behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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