

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.231 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- MOTIPUR District- Muzaffarpur

1. HARI SHANKAR RAI @ HARI SHANKAR RAY Son of Late Achhelal Rai @ Achhelal Ray Resident of Village - Ratanpura Bakhara, P.s.- Motipur, Distt.- Muzaffarpur.
2. Raju Kumar Son of Sri Hari Shankar Rai @ Hari Shankar Ray Resident of Village - Ratanpura Bakhara, P.s.- Motipur, Distt.- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-02-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners, in the present case, are seeking regular bail in connection with Motipur P.S. Case No. 27 of 2020 registered for the offence under Sections 147, 148, 149, 120(B), 341, 323, 307, 353, 354, 379, 413, 414, 427, 504 and 511/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation as per the First Information Report is that the Police, on the basis of information that the co-accused persons Harishankar Rai and Rahul Kumar have brought the stolen Bolero vehicle and they are changing its colour, proceeded



towards the place of occurrence and seized the vehicle in question and on the instigation of the co-accused persons Harishankar Rai and Rahul Kumar along with their family members, about 17 named accused persons including petitioner and 50 unknown persons attacked over the Police party, damaged the government vehicle and attempted to snatch arms of the Police Party.

Learned counsel for the petitioner submits that the petitioners are innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioners are not the owners of the vehicle in question and it has not been recovered from their possession rather it has been recovered from the possession of the other co-accused. It is submitted that the petitioners have got no criminal antecedent and are in custody since 01.07.2020.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein it is alleged that on the instigation of these petitioners, the family members and others had attacked on the police party and they damaged the government vehicle, however, submission being that there is no specific allegation



of overt act against these petitioners and no case under Section 307 is made out, the petitioners are in jail in connection with the present case since 01.07.2020 and the co-accused Hardev Rai has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court vide order dated 16.12.2020 in Cr. Misc. No. 29464 of 2020, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-2 (West) Muzaffarpur in connection with Motipur P.S. Case No. 27 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

