

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8164 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- MEHANDIGANJ District- Patna

1. Pappu Rai, son of Yogendra Rai @ Yogendra Ray, resident of Village - Ranipur Adda, P.S.- Mehandiganj, Dist.- Patna.
2. Pawan Rai, son of Yogendra Rai @ Yogendra Ray, resident of Village - Ranipur Adda, P.s.- Mehandiganj, Dist.- Patna.
3. Binod Rai @ Billa @ Binod, son of Yogendra Rai @ Yogendra Ray Resident of Village - Ranipur Adda, P.s.- Mehandiganj, Dist.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shivjee Singh, Advocate
For the Opposite Party : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-12-2021 Heard learned counsel for the petitioners and Ms. Gulnar Begum, learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Mehandiganj P.S. Case No. 57 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 506, 307, 332, 333, 342, 224, 201, 338, 427, 353, 225, 379 of the Indian Penal Code, Section 27 of the Arms Act and Section 45 of Bihar Prohibition and Excise Act, 2016. they have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 09.03.2020 at about 11:30 A.M. he got information that sons of Girja Rai namely, Rahul Kumar and Manchan Kumar have



stored huge quantity of liquor their house and selling the same. On such information, the informant constituted a team and reached near the house of Girja Rai for raid, thereafter on seeing police party one person started fleeing away but on chase he was apprehended and disclosed his name as Manchan Kumar, son of Girja Rai. The informant further alleged that a search was made in the house of Girja Rai and recovered illicit liquor, in the meanwhile, 30-40 men and 10-12 women started firing, brick batting and assaulting the police personnel and also snatched the recovered liquor about 30 liters.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that so far as the present petitioners are concerned, there is no specific allegation against them, allegation of firing is against Dhannu @ Babloo.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the facts of the case wherein altogether 30-40 men and 10-12 women are said to have got indulged in brick batting and assaulted the police personnel, so far as the present petitioners are concerned, there is no specific allegation against them, the allegation of firing is specific against co-accused Dhannu @ Babloo, the petitioners have otherwise no criminal



antecedent and co-accused similarly situated have been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr. Misc. No. 29216/2020, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Mehandiganj P.S. Case No. 57 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

