

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8394 of 2022

Arising Out of PS. Case No.-680 Year-2021 Thana- KHAJANCHI HAT District- Purnia

RAJU RAY @ RUPESH KUMAR SHARMA S/o Ramsrest Sharma @ Ram
Presh Sharma Resident of Rambagh College Colony, Purnea, P.S.- Purnea
Sadar, District- Purnea, At present Resident Near Bachcha Jail (Srinagar
Hata), P.S.- K.Hat, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8514 of 2022

Arising Out of PS. Case No.-680 Year-2021 Thana- KHAJANCHI HAT District- Purnia

AMARJIT RAY @ AMARJEET ROY S/O SHIVANAND ROY RESIDENT
OF CHAMPAWATI BELA, P.S.- SARSI, DISTRICT- PURNEA. AT
PRESENT RESIDENT NEAR BACHCHA JAIL (SRINAGAR HATA) P.S.-
K. HAT DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13458 of 2022

Arising Out of PS. Case No.-680 Year-2021 Thana- KHAJANCHI HAT District- Purnia

MANGNI DEVI W/O LATE HIRA LAL YADAV R/o village- Kali Prasad
Yadav Tola, Madhuban, P.S.- K.Hat, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8394 of 2022)

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Adv
Mr. Anil Prasad Singh, Adv

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP
(In CRIMINAL MISCELLANEOUS No. 8514 of 2022)

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Adv
Mr. Anil Prasad Singh, Adv



For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 13458 of 2022)
For the Petitioner/s : Mr. Amit Kumar Anand
For the Opposite Party/s : Mr. Surendra Kumar
Mr. Saurav Anand
Mr. Dr. Bidhu Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-09-2022 As all the bail applications have been cropped up from the same P.S. Case No., with consent of all the parties, they are being heard together and are being disposed of by a common order.

Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 147, 148, 149, 302, 120(B)/34 of the IPC read with section 27 of the Arms Act.

Allegedly, the petitioners along with other co-accused persons assaulted the informant and his brother by the means of deadly weapons. Empty cartridges were also recovered from the place of occurrence. The brother of the informant died on the spot. It is further stated that petitioners Raju Ray and Amarjeet Ray threatened for life to his younger brother 15 days prior to the date of occurrence. The allegation against the petitioner Mangni Devi is that she stopped the deceased and involved him in talk and also snatched the key of vehicle over which the deceased was sitting. It is further alleged that petitioners along



with other accused persons were involved in the commission of crime.

It is submitted by learned senior counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is no eye witness in the present case and no independent witness has supported the prosecution story. It is further stated that the petitioner Mangni Devi is a widow lady and her only son was murdered by the gang members of Guddu Miyan (deceased). The deceased was a veteran criminal, he was made accused in 10 cases. Petitioner has no criminal antecedent. The petitioner namely Raju Ray and Amarjit Ray have 5 criminal antecedent mentioned in supplementary affidavit filed by the counsel for the petitioner and petitioner Mangni Devi has no criminal antecedent.

Learned APP for the State as well as learned senior counsel for the informant opposed the prayer for anticipatory bail by submitting that there is ample evidence available against



the petitioners in the case diary.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in K. Hat (Madhubani) P.S. Case No.680 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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