

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20282 of 2021

Arising Out of PS. Case No.-144 Year-2020 Thana- GORAUL District- Vaishali

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1. ANUPLAL RAI @ ANUP RAI SON OF LATE SINGESHWAR RAI
RESIDENT OF VILLAGE- PIROI, P.S. GORAUL, DISTRICT- VAISHALI
 2. BISHESHWAR RAI SON OF LATE DUNA RAI RESIDENT OF
VILLAGE- PIROI, P.S. GORAUL, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate.
For the informant	:	Mr. Shakil Ahmad Khan, Advocate.
For the Opposite Party/s	:	Mr.APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-01-2022 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners and Mr. Shakil Ahmad Khan, learned counsel for the informant. The State is represented by learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Goraul P.S. Case No. 144 of 2020 instituted for the offence under Sections 147, 148, 149, 302, 447, 448, 342, 323 and 324 of the Indian Penal Code.

Mr. Thakur, learned counsel for the petitioners seeks permission to withdraw application with respect to petitioner no.1, Anuplal Rai, who has been arrested during the pendency of this petition. This application with respect to petitioner no.1 is dismissed as having become infructuous.



The petitioner no.2 is said to have ordered for assaulting the son of the informant, whereafter the deceased was assaulted by many persons leading to his death.

Learned counsel for the petitioner has submitted that the petitioner no.2 is 75 years old man and has been made accused only because of some enmity with respect to a plot of land which the co-petitioners wanted to purchase from the informant.

Learned counsel for the petitioner has further submitted that two of the accused persons who have been alleged to have assaulted the deceased have been granted regular bail by a Bench of this Court.

Learned counsel for the opposite party no.2 on the other hand has submitted that the anticipatory bail of some of the accused persons of this case have been rejected by this Court earlier.

Even though there is no specific overt act against the petitioner except for his exhortation to his fellow men to assault the deceased, but I am not inclined to grant anticipatory bail to petitioner no.2.

The prayer for anticipatory bail to the petitioner no.2 is, accordingly, rejected.



However, if the petitioner no.2 surrenders before the Court below and seeks bail, it shall be taken into account that the persons who are alleged to have assaulted the deceased have been granted regular bail and an order shall be passed without being prejudiced by the fact that the present anticipatory bail application on behalf of petitioner no.2 has not been entertained by this Court.

The application stands disposed of accordingly.

(Ashutosh Kumar, J)

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