

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36751 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- BUDDHACOLONY District- Patna

1. Ram Janm Rai, aged about 67 years, male, S/o Late Munshi Lal Rai @ Munshi Rai, R/o village- Chakaram, P.S.- Budha Colony, District- Patna.
2. Munna Rai @ Munna Kumar, aged about 33 years, male, S/o Ram Janm Rai, R/o village- Chakaram, P.S.- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 21-01-2022

Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Budha Colony P.S. Case No. 228 of 2020 instituted for the offences under Sections 147, 148, 149, 341, 307, 427, 385, 506, 324 and 326 of the Indian Penal Code and Section 27 of the Arms Act.



The accusation in the F.I.R. is that the accused persons including the petitioners created disturbance in continuing with the construction work on the land belonging to the informant. Even when the police party had intervened, the accused persons are said to have intimidated the informant and others. One of the accused persons is said to have opened fire which hit one person at the site.

It has been submitted on behalf of the petitioners that they are the neighbours of the informant and one Sudhir Kumar, whose wife had objected to the construction of the roof and parapet which was jutting out into the land of aforesaid Sudhir Kumar. Precisely because of this, another case was also lodged *vide* Budha Colony P.S. Case No. 229 of 2020.

So far as the petitioners are concerned, it has been submitted that though they have been named in the F.I.R., but only being part of the crowd which had collected at the time of clash and they also



were of the view that the construction had been unauthorizedly extended in the land of another.

Precisely for this reason, it has been argued, one of the accused persons of this case, namely, Nagendra Yadav @ Nagendra Kumar has been granted anticipatory bail by this Court today in Cr. Misc. No. 35936 of 2021.

However, the anticipatory bail of one Anand Kumar Yadav @ Nandu Yadav has been rejected by this Court on the accusation of his having opened fire at one of the victims.

Considering the general nature of accusation against the petitioners and the background facts, the petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Patna in



connection with Budha Colony P.S. Case No. 228 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

While saying so, this Court has also taken note of the fact that the petitioners do not have criminal antecedents.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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