

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47307 of 2021

Arising Out of PS. Case No.-158 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

1. SURESH RAY S/o- Late Harihar Ray R/o Vill. - Pipra (Naya Tola), P.S. - Baikunthpur, Dist. - Gopalganj.
2. SHIVJI RAY S/o- Late Harihar Ray R/o Vill. - Pipra (Naya Tola), P.S. - Baikunthpur, Dist. - Gopalganj.
3. PAWAN KUMAR S/o- Bachcha Ray R/o Vill. - Pipra (Naya Tola), P.S. - Baikunthpur, Dist. - Gopalganj.
4. RAKESH KUMAR S/o Shivji Ray R/o Vill. - Pipra (Naya Tola), P.S. - Baikunthpur, Dist. - Gopalganj.
5. SITA RAM RAY S/o- Bharat Ray R/o Vill. - Pipra (Naya Tola), P.S. - Baikunthpur, Dist. - Gopalganj.
6. SUMAN RAY S/o- Bharat Ray R/o Vill. - Pipra (Naya Tola), P.S. - Baikunthpur, Dist. - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Satyendra Rai, APP
For the informant	:	Mr. Shekhar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2022 At the outset, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application in respect of petitioner no.2, namely, Shivji Ray as he has already been arrested by the police.

Permission is granted.

This anticipatory bail application is dismissed as withdrawn so far as petitioner no.2, Shivji Ray is concerned.

Now, this anticipatory bail application survives only



against petitioners no.1, 3, 4, 5 and 6.

Heard learned counsel for the petitioners, learned APP for the State as well as learned counsel appearing on behalf of the informant.

The petitioners apprehend their arrest in connection with Baikunthpur P.S. Case No.158 of 2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The petitioners along with other co-accused persons are said to have killed the elder brother of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. There is general and omnibus allegation against all the accused persons including the petitioners. It is submitted that all family members have been made accused in the present case. It is submitted that other co-accused persons have been granted regular bail by a co-ordinate Bench of this Court vide order dated 04.01.2022, passed in Cr. Misc. No.46160 of 2021 and order dated 24.01.2022, passed in Cr. Misc. No.50785 of 2021. It is further stated that the petitioners no.3 and 5 have got one criminal antecedent as stated in paragraph 3 of the bail application.



Learned APP for the State as well as the learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners and submitted that petitioners are named accused of this case and with common intention made assault to deceased and due to which the elder brother of the informant succumbed to his injuries. It is further submitted that the doctor opined cause of death as hemorrhage and shock due to head injuries caused by hard-blunt and heavy substance.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

However, if the petitioners surrender before the learned court below within a period of four weeks from today and seek regular bail, the learned court below shall consider the prayer for regular bail of the petitioners on the same day without being prejudiced from the order of this Court.

(Anjani Kumar Sharan, J.)

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