

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53757 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. Pradeep Rai @ Pramod Rai, Son of Jagdeo Rai, Resident of Village - Bishunpur Baladhari, Lal Pokhar, P.S. - Hajipur, District - Vaishali.
2. Mukesh Rai @ Mukesh Kumar, Son of Jagdeo Rai, Resident of Village - Bishunpur Baladhari, Lal Pokhar, P.S. - Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s :	Mr. Mritunjay Kumar, APP
	Mr. Zainul Abedin, Advocate

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 24-01-2022 The applicants/accused in Sessions Trial No. 283 of 2021 arising out of Crime No. 245 of 2020 registered with Hajipur Police Station for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506 and 302 of the Indian Penal Code, by this application are seeking their release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicants/accused. He argued that co-accused Ashok Kumar Rai, Pintu Kumar and Sanjeet Kumar are already directed to be released on bail by this Court and therefore, the applicants are entitled for bail. It is further argued that general and omnibus allegations are made against the applicants/accused by the first



informant.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious.

Earlier the bail application of the applicants was rejected by a coordinate Bench of this Court vide order dated 12.02.2021 by holding that considering the materials available on record, the Court is not inclined to grant bail to the applicants. However, the applicants were granted liberty to renew their prayer for bail after six months. That is how the instant application is filed.

I have considered the submissions so advanced and also perused the materials placed before me.

The First Information Report is lodged by injured Vijay Rai. The allegation against the accused persons is that of formation of unlawful assembly with common object and in prosecution of common object of the said unlawful assembly, Suresdh Ray was done to death whereas other victims were assaulted causing injuries to them. It is trite that in case of unlawful assembly with common object, there is no necessity of attributing specific role to the specific accused person. In fact it is not necessary for the prosecution to point out that the accused has actually assaulted the victims.



In this view of the matter, no case for grant of bail to the applicants/accused is made out. The present application is accordingly rejected.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicants/accused.

(A. M. Badar, J)

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