

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48012 of 2022

Arising Out of PS. Case No.-225 Year-2019 Thana- SAHPUR District- Patna

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1. Dipu Rai S/O Daroga Rai Resident of village- Patlapur Bagicha P.S.- Shahpur District- Patna.
 2. Rohit Rai @ Cheral Rai S/O Daroga Rai Resident of village- Patlapur Bagicha P.S.- Shahpur District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioners : Mr. Usha Kumari Singh, Advocate
For the Opposite Party : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

Learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no. 2 as he has already been arrested by the police during the pendency of this application.

Permission is granted.

The instant application as against petitioner no. 2 stands dismissed as withdrawn.

Now, this application survives for petitioner no.1 only.

The petitioner apprehends his arrest in a case registered



for the offence punishable under Sections 147, 148, 149, 341, 323, 504, 325, 307 and 302 of the Indian Penal Code and 27 of Arms Act.

Allegedly, it is stated that the accused persons came to the house of the informant armed with *lathi*, *dab* and *pistol* and fired on the head and near the chest of the wife of the informant who died at the spot. It is further stated that the accused persons assaulted the informant and his two sons.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. It is further submitted that there is specific allegation against Sipahi Rai who shot at the wife of the informant causing her death. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted anticipatory bail in Cr. Misc No. 54192 of 2019 dated 27.11.2019. There is no specific overt act against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner is only the member of the mob. The petitioner has no criminal antecedent.

Learned APP for the State has vehemently opposed the prayer for anticipatory bail.



Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner no.1, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Shahpur P.S. Case No. 225 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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