

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64924 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- GHORASAHAN District- East Champaran

1. Pramod Rai S/o Jhapas Rai Resident of Village /Moh - Dhadhpar, (wrongly mention in the impugned order village as at Mathpar, P.S.- Chiraiya, District - East Champaran, Motihari.
2. Jhapas Rai S/o Late Heera Rai Resident of Village /Moh - Dhadhpar, (wrongly mention in the impugned order village as at Mathpar, P.S.- Chiraiya, District - East Champaran, Motihari.
3. Rameshwar Rai S/o Late Heera Rai Resident of Village /Moh - Dhadhpar, (wrongly mention in the impugned order village as at Mathpar, P.S.- Chiraiya, District - East Champaran, Motihari.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate.
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel for the parties.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

The petitioners seek anticipatory bail in connection with Ghorasahan P.S. Case No. 41 of 2021, registered for the offences under Sections 147, 148, 149, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The main submissions advanced by learned counsel for the petitioners are that any specific role or overt act of the petitioners has not been alleged in the FIR and they are simply stated to be members of a mob consisting of 30 persons they are not alleged to be equipped with fire arm or any other arms and the main allegation is against the co-accused Lal Babu Rai, Rajeshwar Rai



and Kameshwar Rai and all petitioners have been implicated in this case on account of them being family members of Lal Babu with whom their relationship is mentioned in para 10 of the petition. Further submission is that there was a land dispute between the deceased persons and the co-accused persons in which the petitioners were not party and their village is situated about 50-55 km away from the place of occurrence so there was no reason for them to be involved with co-accused persons and committing the murder of the deceased.

Learned APP has vehemently opposed the prayer of bail.

Heard both the sides and perused the FIR. The present case relates to murder of two persons committed by fire arms, though any specific role of any of the petitioners has not been alleged in the FIR but petitioners were present at the place of occurrence as a part of the other co-accused as mentioned in the FIR and the case is under investigation and as per para 3 of petition against the petitioners there is criminal antecedent, in the light of these facts I am not inclined to grant privilege of anticipatory bail to the petitioners.

Accordingly, their prayer for bail stands rejected.

(Shailendra Singh, J)

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