

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58845 of 2022

Arising Out of PS. Case No.-385 Year-2021 Thana- BIKRAMGANJ District- Rohtas

1. KAMESHWAR RAY Son of Late Ghanshyam Ray Resident of Village - Baruna, P.S.- Bikramganj, District - Rohtas.
2. Nanhak Ray Son of Late Jaimuni Ray Resident of Village - Baruna, P.S.- Bikramganj, District - Rohtas.
3. Kesar Ray @ Kedar Nath Ray Son of Late Jaimuni Ray Resident of Village - Baruna, P.S.- Bikramganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 427, 435 and 307 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his daughter-in-law was a candidate for Mukhiya election and was going to the house of Ritesh to attend a function by car, further when she reached near the house of Ritesh, the accused persons who were waiting from before



started indiscriminate firing, but his daughter-in-law, somehow managed to escape and while escaping saw the accused persons, including the petitioners, it is next alleged that even the car was set ablaze.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that if indiscriminate firing would have been made then the daughter-in-law of the informant would have managed to save her life, it is next submitted that even informant is not an eye-witness to the occurrence, nor the FIR even remotely suggests that the FIR was instituted based on the information disclosed by his daughter-in-law, it is next submitted that son of the informant Amit is a veteran criminal and the petitioner no.2 had deposed against him in a criminal trial recently, it is next submitted that from side of the petitioner Bikramganj P.S. Case No. 386 of 2021 was instituted against the side of the informant and others, the learned counsel for the petitioners next submits that allegation of firing is general and omnibus and it is just not possible that when occurrence of such magnitude as alleged, is taking place, then the alleged victim would have been in a position to identify all the accused so clearly, it is further



submitted that since his daughter-in-law was an intending candidate for the post of Mukhiya, as such her car was set ablaze by the villagers and since petitioner no.2 had deposed against son of the informant as such they came to be implicated when admittedly even allegation of setting ablaze the car is general and omnibus in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bikramganj P.S. Case No. 385 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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