

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70517 of 2021

Arising Out of PS. Case No.-200 Year-2021 Thana- BANKA District- Banka

1. MANOJ RAUT S/o Late Jambo Raut R/o village- Mohanpur, P.S.- Barahat, District- Banka
2. Lochan Raut S/o Jambo Raut R/o village- Mohanpur, P.S.- Barahat, District- Banka
3. Rohit Raut S/o Lochan Raut R/o village- Mohanpur, P.S.- Barahat, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-07-2022 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 147,149 and 302 of the Indian Penal Code read with Section 7(C) of Protection from Lynching Act, 2017.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on *hulla* being raised that her husband was being assaulted, she ran to the place of occurrence where she saw the accused persons, including the petitioners, variously armed



assaulting her husband, it is next alleged that the husband of the informant in a serious condition was taken to Barahaat Health Centre for medical treatment from where he was referred to a higher centre at Banka but he died on the way.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, the allegations are general and omnibus in nature, it is next submitted that deceased himself was a person with criminal antecedent as he had connection with naxalities and criminals, so it may be a possibility that the occurrence had taken place in some other manner and the informant falsely implicated innocent persons.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that no wife would institute a false case against innocent persons knowing that they are not involved in the killing of her husband, it is next submitted that though it has been submitted that the deceased was having relationship with criminals and naxalities but then no criminal antecedent of the deceased has been pleaded in the anticipatory bail application. The learned APP further submits that when assault of such nature is made, it is very difficult to identify specifically who was assaulting where, it is next



submitted that the tenor of the allegation in the FIR is such that it creates confidence that these petitioners were involved in killing of the husband of the informant.

Considering the submissions made by the learned APP for the State, the Court is not inclined to extend privilege of anticipatory bail to the petitioners.

Their prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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