

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4138 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- KOILWAR District- Bhojpur

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KALLU RAY @ MITHILESH KUMAR S/o Rampurjan Ray Resident of
Village- Simaria Mahadeo Chak, P.S.- Koilwar, Distt.- Bhojpur (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72254 of 2021

Arising Out of PS. Case No.-288 Year-2021 Thana- KOILWAR District- Bhojpur

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BUDDHA RAI @ RAM BABU RAI SON OF SHIVPUJAN RAI
RESIDENT OF VILLAGE- SIMARIYA MAHADEVCHAK, P.S-
KOILWAR, DIST- BHOJPUR AT ARA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 4138 of 2022)

For the Petitioner/s : Mr.Ajit Kumar, Adv.

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP
Mr.Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 72254 of 2021)

For the Petitioner/s : Mr.Zainul Abedin, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP
Mr.Manoj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioners, learned counsel
for the informant and learned Additional Public Prosecutor for
the State.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court



proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 302 of the IPC and section 27 of the Arms Act.

Prosecution case in short is that due to digging of sand, an altercation took place between the parties and in consequence thereof, the petitioner Kallu Ray opened fire and further, on his instigation, co-accused Anil Ray fired upon the uncle of the informant which hit at his stomach and hence, the uncle of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation is against the co-accused Videshi Rai to fire upon the deceased. Petitioner Kallu Rai @ Mithilesh Kumar has three criminal antecedent and petitioner Buddha Rai @ Ram Babu Rai has no criminal antecedent. Several similarly situated co-accused persons have been enlarged on anticipatory bail by a co-ordinate Bench of



this court vide order dated 25.05.2022, passed in Cr. Misc. No.16319 of 2022.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that there is a serious nature of allegation against the petitioners and petitioner Kallu Rai, who is brother of Videshi Rai has three antecedent.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their 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) each 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 Koilwar P.S. Case No.288/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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