

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2173 of 2023**

Arising Out of PS. Case No.-176 Year-2022 Thana- BHAGWANPUR District- Vaishali

1. PANKAJ KUMAR @ PANKAJ RAI Son of Late Bhola Rai R/v- Kiratpur, Rajaram Police Station- Bhagwanpur, District- Vaishali
2. MITHLESH RAI Son of Upendra Rai R/v- Kiratpur, Rajaram Police Station- Bhagwanpur, District- Vaishali
3. VIKASH KUMAR @ VIKASH KUMAR RAI Son of Late Bhola Rai R/v- Kiratpur, Rajaram Police Station- Bhagwanpur, District- Vaishali
4. UPENDRA RAI Son of Late Hari Narayan Rai R/v- Kiratpur, Rajaram Police Station- Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Rakesh Prabhat  
For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      04-05-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 342, 147, 148, 149, 323, 324, 325, 307, 379, 354(B), 427, 504 and 506 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, there is specific allegation of breaking the glass of Scorpio vehicle and taken away ornaments and other articles including Rs.20,000/- has been alleged against co-accused Sambhu Rai, Uma Rai and Raju Rai.



Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioners. He submits that there is no specific overt act against the petitioners. He further submits that there is specific overt act against the co-accused Rahul Kumar. He submits that co-accused Sambhu Rai filed Bhagwanpur P.S. Case No.168/2022 under Section 302/34, 341, 447, 504 of the Indian Penal Code against the sons of the informant and others and the present case is nothing but counterblast of the Bhagwanpur P.S. Case No.168/2022. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances and the fact that there is no specific overt act against the petitioners, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is



pending/Successor court, in connection with Bhagwanpur P.S.  
Case No.176/2022, subject to the condition as laid down under  
Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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