

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14416 of 2023

Arising Out of PS. Case No.-98 Year-2017 Thana- SARAIYA District- Muzaffarpur

1. HARENDRA RAY S/o Late Jay Mangal Ray R/o village- Kailapatti, P.S.- Saraiya, Distt- Muzaffarpur.
2. Lalan Kumar S/o Rajendra Ray R/o village- Kailapatti, P.S.- Saraiya, Distt- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the Opposite Party/s : Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Saraiya P.S. Case No.- 98 of 2017 registered for the offences punishable under Sections 341, 323, 325, 307, 308, 504, 506/ 34 of the Indian Penal Code. Petitioners have got no criminal antecedent.

As per the prosecution story, on 12.03.2017 at 09:30 P.M., when the informant went near transformer at Kailapatti for celebrating Holika Dahan, Harendra Ray along with his sons namely Ram Prakash Kumar @ Natwar Lal and Jay Prakash Kumar was already present there. Upon seeing the informant, he ordered his sons to throw the him into the fire. On order of Harendra Ray, his both sons threw the informant into the fire due to which he got burnt.



Later, Harendra Ray ordered his nephew-Lalan Kumar to bring the licensee gun from his house and then he used it to threaten the informant.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case due to enmity and local village politics.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein the thrust of the allegation causing injuries to the informant are against co-accused Ram Prakash Kumar @ Natwar Lal and Jay Prakash Kumar who are sons of the petitioner no. 1, the allegation against the petitioner no. 1 is that at his instance, his sons had committed overt act and the allegation against the petitioner no. 2 is that he had on the asking of petitioner no. 1 brought a gun from the house but there being no allegation of firing by any fire arm, the petitioners have otherwise no criminal antecedent, in the given circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named shall be enlarged on bail in connection with Saraiya P.S. Case No.- 98 of 2017 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Muzaffarpur, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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