

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25866 of 2023

Arising Out of PS. Case No.-494 Year-2021 Thana- VAISHALI District- Vaishali

1. MUKESH RAI @ MUKESH KUMAR S/O HARIHAR RAI Resident of Village- Sorhatha, P.S.- Vaishali (Belsar O.P.), District- Vaishali.
2. DURGESH KUMAR S/O SHANKAR RAI Resident of Village- Sorhatha, P.S.- Vaishali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Vaishali (Belsar O.P.) P.S. Case No.494 of 2021, registered for offences under Sections 147, 148, 149, 323, 341, 337, 427, 454, 380, 307, 504, 506 and 452 of the Indian Penal Code and 27 of Arms Act.

The allegation is regarding the accused persons, including the petitioners herein having formed an unlawful assembly, whereafter they are alleged to have assaulted the informant and other



persons, however the injuries sustained by them are stated to be simple in nature.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the petitioners were having a clean antecedent, however after lodging of the present case, they have also been made accused in one another case arising out of the same incident. The learned counsel for the petitioners has contended that a general and omnibus allegation has been levelled and the petitioners have not been alleged to have engaged in any sort of specific overtact. The learned counsel for the petitioners has next contended that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 10.01.2023, passed in Criminal Miscellaneous No.61923 of 2022.

Per contra, the learned APP for the State



has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have already been granted the privilege of anticipatory bail, by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Court of learned Chief Judicial Magistrate, Vaishali, in connection with Vaishali (Belsar O.P.) P.S. Case No.494 of 2021,



subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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