

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32032 of 2023

Arising Out of PS. Case No.-384 Year-2020 Thana- RIVILGANJ District- Saran

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1. Dharmendra Kumar @ Dharmendra Rai, Son of Nakchhedi Rai @ Chandra Shekhar Prasad Yadav @ Chandra Shekhar Yadav, Resident of Village- Auli, P.O.- Methwalia, P.S.- Revilganj, District- Saran At Chapra
 2. Deepak Kumar Ray @ Deepak Kumar, Son of Sri Ram Naresh Rai @ Naresh Rai, Resident of Village- Auli, P.O.- Methwalia, P.S.- Revilganj, District- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prashant Bhushan, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-07-2023 At the outset, learned counsel for the petitioners submits that petitioner no. 2, namely, Deepak Kumar Ray @ Deepak Kumar has already been arrested, hence, this application on his behalf has become infructuous.

2. Now, this application survives only on behalf of the petitioner no. 1.

3. Heard learned counsel for the petitioner no. 1 and learned APP for the State.

4. Petitioner no. 1 in the present case is seeking pre-arrest bail in connection with Revilganj P.S. Case No. 384 of 2020 registered for the offences under Sections 144, 188, 332, 333 and 353 of the Indian Penal Code. He has no criminal



antecedent.

5. As per the prosecution story, on 20.10.2020 a 15 years old girl, namely, Ruby Kumari was hit by a truck due to which she died. Thereafter, fifteen FIR named accused persons along with 30-40 unknown persons assembled at the place of occurrence, blocked the road and created hurdle in discharge of the official duty. Due to this, many private vehicles and ambulance got stuck on both sides of the road due to heavy traffic.

6. Learned counsel for the petitioner no. 1 submits that the petitioner no. 1 is residing near the accident place, so he has been falsely implicated in this case. It is further submitted that there is no specific allegation against him and the co-accused similarly situated have been granted bail vide Cr. Misc. No. 21132 of 2022.

7. Learned counsel for the State has opposed the prayer for anticipatory bail of the petitioner no. 1.

8. Having regard to the facts and circumstances of the case, the submission that the petitioner no. 1 is a villager who is residing near the accident place, he has been falsely implicated in this case by the chaukidar, there is no specific allegation against him and the co-accused similarly situated have been



granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 21132 of 2022, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner no. 1 shall be released on bail in connection with Revilganj P.S. Case No. 384 of 2020 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 Chief Judicial Magistrate, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. 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.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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