

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33696 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- KARJA District- Muzaffarpur

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MUKESH RAI @ MUKESH KUMAR RAY S/O BALESHWAR RAY R/O
Village- Narhar Sarai, P.S- Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 43865 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- KARJA District- Muzaffarpur

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VIJAY RAI @ VIJAY KUMAR Son of Kishun Rai Resident of Village -
Narhar Sarai Naya Tola, P.S. - Karja, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 33696 of 2023)

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mrs. Nirmala Kumari

(In CRIMINAL MISCELLANEOUS No. 43865 of 2023)

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-08-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard the parties.

3. The petitioners apprehends their arrest in connection



with Karja P.S. Case No.06 of 2023, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

4. The allegation against the petitioners is that they and other co-accused persons assaulted the brother of the informant, as a result of which he died during the course of treatment.

5. 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 levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no eye witness to the alleged occurrence in the present case. The petitioners have been made accused in the present case only on the basis of suspicion. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent.

6. Learned APP for the State opposed the prayer for anticipatory bail by submitting that on the basis of perusal of the supervision note, it is evident that the petitioners are also involved in the present case.

7. Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioners on bail. The prayer for grant



of anticipatory bail on their behalf is hereby rejected.

8. Accordingly, this application is dismissed.

9. However, if the petitioners surrenders before the learned Court below within a period of six weeks from today, the learned Court below shall pass the order on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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