

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43561 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- SONEPUR District- Saran

1. Suman Rai @ Ranjay Kumar Son Of Shiv Sagar Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
2. Birju Kumar Son Of Ajay Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
3. Kunal Kumar Son Of Lalu Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
4. Sanjeevan Kumar Son Of Mithlesh Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
5. Jivlal Kumar @ Jeetlal Kumar Son Of Akhilesh Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
6. Jitendra Kumar Son Of Akhilesh Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
7. Dinesh Kumar @ Dinesh Kumar Rai Son Of Kamaldeo Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
8. Siya Ram Rai Son Of Late Jaglal Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
9. Satendra Rai @ Shashi Rai Son Of Late Vishwanath Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
10. Dinesh Rai Son Of Late Vishwanath Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
11. Akhilesh Rai @ Akhilesh Kumar Son Of Ramashankar Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
12. Ravi Kumar @ Ravi Rai Son Of Ramashankar Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
13. Shiv Kumar @ Shiv Kumar Rai Son Of Dinesh Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)
14. Nand Kishore Rai Son Of Deoraj Rai Resident Of Village- Chitrasenpur, Ps- Sonapur, District- Saran At Chapra (Bihar)

... .. **Petitioners**

Versus

The State of Bihar

... .. **Opposite Party**

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 At the outset, learned counsel for the petitioners



submits that petitioner no. 13 has already been arrested, hence this application on his behalf has become infructuous.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners, in the present case, are seeking pre-arrest bail in connection with Sonapur P.S. Case No. 75 of 2023 registered for the offences punishable under Sections 147, 149, 323, 307, 337, 338, 353 & 427 of the Indian Penal Code. Petitioner nos. 3, 5, 6, 9, 10 11 & 13 have one criminal antecedent and rest of the petitioners have got no criminal antecedent as stated in paragraph '3' of the application.

4. As per the prosecution story, the informant who is S.I. of Sonapur Police Station has alleged that while he reached at Chitrasenpur village along with police force for maintaining law and order situation as there was violence between the two groups. Both groups had started abusing each other and pelting stones on each other. The informant further alleged that when he tried to pacify the matter the accused persons also pelted stones and bricks on the police force and damaged police Gypsy and injured some police personnel.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned



counsel submits that no incriminating article has been seized from the place of occurrence and there is a case and counter case between both the parties.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Having regard to the submission that the allegations are completely vague, there is no specific allegation against the petitioners and the police has picked up 21 names and 40-50 unknown persons from both the sides in the F.I.R., there is a case and counter case between both the parties which are Annexure '2' and '3' to the present application and further submission that there is no injury report or the seizure list in the present case, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners, except petitioner no. 13, above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Sonapur P.S. Case No. 75 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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