

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43409 of 2023

Arising Out of PS. Case No.-3 Year-2022 Thana- RIVILGANJ District- Saran

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1. Jagdish Kumar Rai S/O Bhagwan Rai, R/O Village- Mubarkpur Mahamadpur, P.S- Rivilganj, Distt.- Saran.
 2. Mahendra Kumar Yadav S/O Shiv Narayan Rai R/O Village- Mubarkpur Mahamadpur, P.S- Rivilganj, Distt.- Saran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Rivilganj P.S. Case No- 3 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 343, 324, 332, 333, 353, 427, 307 of the Indian Penal Code and under Sections 3 and 4 of Damage to Public Property Act. They have got no criminal antecedent.

3. Learned counsel for the petitioners submit that on 05.01.2022 around 12 noon when the all the accused persons including the petitioner under the leadership of co-accused Arun Kumar Yadav reached Railway Crossing No. 55, they attacked the prosecution party members with brick, stone and danda in



which various police personnel as well as some railway staff became injured. The accused persons even damaged the vehicles of the informant and the police and then they even set fire on the vehicle of the informant which was extinguished by the force.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegation against the petitioners.

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

6. Having regard to the submission on behalf of petitioners that F.I.R. has been lodged against 12 named and 200 unknown persons wherein it has not been disclosed that how the informant came to know about the parentage of the accused persons and the petitioners have otherwise no criminal antecedent, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Rivilgaj P.S. Case No- 03 of 2022 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 J.M. 1st class, Saran, subject to the conditions as laid down under Section



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

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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