

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48040 of 2023

Arising Out of PS. Case No.-91 Year-2023 Thana- BHAGWANPUR District- Vaishali

1. ANIL RAY SON OF RITLAL RAI RESIDENT OF VILLAGE-
AKBARPUR, SATHIAUTA, PS- BHAGWANPUR, DISTT- VAISHALI
2. KUNDAN KUMAR SON OF VINOD RAI @ VINOD RAY RESIDENT
OF VILLAGE- AKBARPUR, SATHIAUTA, PS- BHAGWANPUR, DISTT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

Mr. Harendra Kumar Singh

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2023

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Bhagwanpur PS Case No. 91 of 2023 dated 09-04-2023 registered under Section 147, 148, 149, 341, 323, 224, 225, 353 of the Indian Penal Code.

3. Prosecution case in brief is that on 09-04-2023 the Police got information that the accused of Bhagwanpur PS Case No. 50 of 2023 namely, Bipin Rai is present at his house, reached at the house of Bipin Rai and on seeing the Police party one person started fleeing away, who was apprehended and was



identified as Bipin Rai. In the meantime, family members of the apprehended accused Bipin Rai and some local people assembled at the place of occurrence, started scuffling with the Police personnel and got the apprehended accused Bipin Rai freed from the Police custody.

4. Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged. He submits that allegation attributed against the petitioners is general and omnibus in nature and at best it can be said that petitioners are members of unlawful assembly. Taking plea of alibi, learned counsel submits that petitioners are labourers and were out of station at the time of occurrence. He also submits that similarly situated co-accused Raushan Kumar @ Jhandu Kumar has been enlarged on anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 47407 of 2023. The petitioners have no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that similarly situated co-accused has been extended the privilege of anticipatory bail and the petitioners have got clean antecedent, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I Vaishali at Hajipur in connection with Bhagwanpur PS Case No. 91 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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