

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48219 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- SARAI RANJAN District- Samastipur

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UMESH KUMAR RAI @ UMESH RAI SON OF VISHESHWAR RAI
RESIDENT OF VILLAGE- MUSAPUR, PS- SARAI RANJAN (GHATOO
OP), DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Sarairanjan (Ghatoo O.P.) PS case no. 66 of 2022, registered for the offences punishable under Section 379 and other allied sections of the Indian Penal Code.
3. The allegation is that while the informant had gone for updating his K.Y.C. at the School in question, the accused persons, totaling 22 in all including the petitioner herein, had surrounded the informant by forming an unlawful assembly and thereafter, they had abused and assaulted him. The specific allegation of assault is against the co-accused persons namely Ankit Kumar, Niraj Kumar and Bipin Kumar.



4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner and he has not been alleged to have assaulted the informant, hence, he is not having any complicity in the matter.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that the petitioner has not been alleged to have assaulted the informant, hence, he is not having any complicity in the matter and moreover, similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 29.04.2023, passed in Cr. Misc. no. 60173 of 2022, hence, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a



period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-III, Samastipur in connection with Sarairanjan (Ghatoo O.P.) PS case no. 66 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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