

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52821 of 2023

Arising Out of PS. Case No.-603 Year-2019 Thana- MANER District- Patna

1. Vishal Kumar, Son Of Lalan Kumar, Resident Of Village- Mahinawan, Police Station- Maner, District -Patna
2. Pramod Kumar, Son Of Balka Nand Rai @ Balika Nand Rai, Resident Of Village- Mahinawan, Police Station- Maner, District -Patna
3. Dilip Rai, Son Of Late Sudeshwar Rai, Resident Of Village- Mahinawan, Police Station- Maner, District -Patna
4. Subhash Rai, Son Of Kapil Deo Rai, Resident Of Village- Mahinawan, Police Station- Maner, District -Patna
5. Alakh Kumar, Son Of Dhananjay Rai, Resident Of Village- Mahinawan, Police Station- Maner, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunit Kumar Srivastava, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Sunit Kumar Srivastava, learned counsel

appearing on behalf of the petitioners and the learned Additional

Public Prosecutor for the State.

2. The petitioners apprehends their arrest in connection with Maner P.S. Case No. 603 of 2019, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 332, 353, 337, 338 and 504 of the Indian Penal Code.

3. On an information that 50-60 members of two groups are indulged in abusing and pelting bricks and stones,



the police rushed to the place of occurrence and when they tried to pacify the matter, the accused persons started pelting stones on them, endangering their life. It is also alleged that the informant received head injury on account of the stone pelting. The local *chaukidar* disclosed the name of 25 persons, including the petitioners.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration of the FIR it is evident that general and ominous nature of allegation has been levelled against all the FIR named accused persons and save and except the disclosure made by the village *chaukidar*, there is no other material suggesting the complicity of the petitioners. He further submits that other co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 36473 of 2020 vide order dated 17.04.2021, Cr. Misc. No. 1405 of 2021 vide order dated 26.07.2021 and Cr. Misc. No. 3788 of 2022 vide order dated 01.08.2022, the copies of which have been brought on record by way of Annexure – 3 series. He lastly submits that the petitioners undertake that they will fully co-operate in the investigation/trial.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the ominous nature of allegation and the fact that other co-accused persons, having similar allegation, have been allowed the privilege of anticipatory bail, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, Danapur in connection with Maner P.S. Case No. 603 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

