

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62638 of 2021

Arising Out of PS. Case No.-443 Year-2021 Thana- MANER District- Patna

1. RUDAL RAI S/o Parsuram Rai R/o village- Bhudar Tola Byapur, P.S.- Maner, District- Patna
2. KALICHARAN RAI S/o Parshuram Rai R/o village- Bhudar Tola Byapur, P.S.- Maner, District- Patna
3. SHRI RAM RAI S/o Kalicharan Rai R/o village- Bhudar Tola Byapur, P.S.- Maner, District- Patna
4. PHULDEV RAI S/o Late Raman Rai R/o village- Bhudar Tola Byapur, P.S.- Maner, District- Patna
5. RAKESH RAI @ RAKESH KUMAR @ SUKHARI RAI S/o Lalan Rai R/o village- Bhudar Tola Byapur, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate Mr. Vinay Kumar Mishra, Advocate
For the State	:	Mr. Manoj Kumar, APP
For the Informant	:	Mr. Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 325, 307 and 302 of the Indian



Penal Code.

As per the prosecution case, the petitioners and the co-accused persons along with seven unknown persons holding *lathi*, *danda* and *rod* surrounded the father of the informant and his younger brother and assaulted the father of the informant with *lathi* and *danda*. In the meantime, the co-accused persons assaulted with iron rod on the head of the father of the informant and the brother of the informant causing injury to them. It is further alleged that all the accused persons in connivance with one another beaten the father of the informant to death.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. He has further submitted that the petitioners are not present at the time of occurrence. No specific overt act has been attributed against the petitioners. The petitioners have got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners by submitting that the post-mortem report shows that the deceased sustained five



injuries and the cause of death is due to hemorrhage and shock.

Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Danapur, Patna in connection with Maner P.S. Case No. 443 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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