

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57029 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- RAGHOPUR District- Vaishali

MUNILAL RAI @ MUNI LAL RAI S/o Ram Sundar Ray Resident of
Village-Mohanpur (Ward No.-5), P.S.-Raghopur, District-Vaishali

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Ragahopur P.S. Case No. 101 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code. He has got one criminal antecedent.

3. As per the prosecution story, upon hearing the judgment of the punches regarding partition of ancestral land the petitioner and several other FIR named persons assaulted the informant and his father with iron rod, wooden stick, garasa, bricks, stones causing head injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no specific allegation against



the petitioner.

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

6. Having regard to the facts and circumstances of the case, noticing the submission of learned counsel for the petitioner that there is a case and counter case between the parties who are co-sharers and are admittedly having a land dispute with regard to which the Panchayati was taking place, so far as the present petitioner is concerned, he is 70 years old and has been named one amongst the ten accused persons against whom the allegation is that they had ordered to kill the father of the informant, there is no specific allegation of giving order by this petitioner and then the further submission is that there is no allegation of active participation of this petitioner either in catching hold of the father of the informant or in inflicting any injury upon this person, the specific allegations are against the co-accused named in the FIR other than the petitioner, in these circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Ragahopur P.S. Case No. 101 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.,
Vaishali at Hajipur, 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 petitioner and in case at
any stage it is found that the petitioner has concealed his
criminal antecedent, the court below shall take step for
cancellation of bail bond of the petitioner. 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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