

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51173 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- SAKRA District- Muzaffarpur

1. AVINASH RAY Son of Ram Chandra Ray Resident of village - Sahdullapur, P.S.- Sakri, District - Muzaffarpur.
2. Binod Ray @ Ram Binod Ray Son of Ram Chandra Ray Resident of village - Sahdullapur, P.S.- Sakra, District - Muzaffarpur.
3. Pintu Ray @ Raushan Raj Son of Binod Ray Resident of village - Sahdullapur, P.S.- Sakra, District - Muzaffarpur.
4. Rambabu Ray Son of Ram Chandra Ray Resident of village - Sahdullapur, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53786 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- SAKRA District- Muzaffarpur

NITISH KUMAR Son of Rambabu Ray R/V- Sahadullahpur, P.S- Sakra in the district of Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53935 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- SAKRA District- Muzaffarpur

1. DINESH RAI Son of Govind Rai Resident of Village - Sahdullapur, P.S.- Saura, District - Muzaffarpur.
2. Mahesh Rai @ Maheshwar Rai Son of Ruplal Rai Resident of Village - Sahdullapur, P.S.- Saura, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :



(In CRIMINAL MISCELLANEOUS No. 51173 of 2022)

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 53786 of 2022)

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

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

(In CRIMINAL MISCELLANEOUS No. 53935 of 2022)

For the Petitioner/s : Mr.Prem Prakash Poddar,Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Mr. Prem Prakash Poddar, learned counsel for the petitioners in Cr. Misc. No. 53935 of 2022 submit that out of the two petitioners, the petitioner no. 2, Mahesh Rai @ Maheshwar Rai has since been arrested and as such, so far as this petition is concerned, the same has become infructuous.

Accordingly, his prayer for withdrawal of the petition so far as petitioner no. 2, Mahesh Rai @ Maheshwar Rai is concerned, is allowed.

Heard Mr. Ranjeet Kumar and Mr. Prem Prakash Poddar, learned counsels for the petitioners and Mr. Bharat Bhushan and Mr. Jitendra Kumar Singh, learned APP's for the State.

The petitioners apprehend their arrest in connection with Sakara P.S. Case No. 106 of 2022 for the offence registered under Sections 147, 148, 149, 120(B), 332, 323, 324, 353 and 307 of the Indian Penal Code.

As per the FIR, it is alleged that Ganarur Rai, an



accused of Sakra P.S. 336 of 2021 was arrested and taken to the police station, when one of the Zila Parishad member, Abhishek Thakur came with his supporter and pressurize the police to release him.

Having failed to do so, he along with his supporter blocked the road and later used bricks, stones and sticks against the police force, causing injury on their side.

Learned counsel for the petitioners submit that omnibus allegation have been made against all the accused persons that they were part of the mob headed by Abhishek Thakur. The further submission is that nothing has been attributed specific against any of them.

Learned APP's for the State, on the other hand, submit that they tried to stop the police force from doing their duty although they concede that the allegation is against Abhishek Thakur and omnibus allegation against all the other accused persons of being part of the mob that blocked the road and assaulted the police.

Taking into account the aforesaid facts that omnibus allegation is/are against all the accused persons, nothing specific against any of them, they will be ultimately cooperating the police in course of investigation and will be facing the trial, if



cognizance is taken in the matter, this Court is inclined to grant relief all of them.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Sakra P.S. Case No. 106 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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

