

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52324 of 2022

Arising Out of PS. Case No.-254 Year-2022 Thana- MALSALAMI District- Patna

1. Kanchan Kumar Son of Devendra Rai @ Devendra Singh R/V- Rikabganj, P.s- Malsalami, Dist- Patna
2. Vishal Rai @ Vishal Kumar Son of Munakka Rai @ Ajay Kumar Singh R/V- Rikabganj, P.s- Malsalami, Dist- Patna
3. Sumit Kumar Son of Munakka Rai @ Ajay Kumar singh R/V- Rikabganj, P.s- Malsalami, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-01-2023 Heard Mr. Jitendra Narain Sinha, learned counsel for the petitioner and Mr. Ganesh Prasad Singh who represents the State.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The petitioners are apprehending arrest in connection with Malsalami P.S. Case No. 254 of 2022 under sections 147, 148, 149, 341, 323, 307, 504, 506 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant alleged that his uncle was visiting dance party on the occasion of



'Shradh karma' where some dispute arose and later 50 persons armed variously came to the house and the allegation is that Lalji Rai and Ashok Rai gave order after which Vinod Kumar @ Karu, Pramod Rai @ Panchu opened fire causing injury to the informant's side.

Further allegation against the other accused persons are of assaulting by means of brick, stone and rod.

Learned counsel for the petitioners submit that a bare perusal of the FIR would show that specific allegation of opening firing is against the named accused persons and there is omnibus allegation against these petitioners and they do not have criminal antecedents.

The learned APP opposes the prayer stating that they were part of the mob who assaulted the informant's side.

Taking into account the aforesaid fact that omnibus allegation is against the petitioners and they are not named accused who opened fire, they do not have criminal antecedents and are the young boys, this Court is inclined to grant them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additonal Chief Judicial Magistrate-II, Patna City, Patna, in connection with Malsalami P.S. Case No. 254 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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