

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59650 of 2023

Arising Out of PS. Case No.-390 Year-2023 Thana- BIHTA District- Patna

1. JITENDRA RAY @ JITENDRA KUMAR Son of Late Mundrika Singh @ Munarik Rai R/o vill - Tutlupur, P.S. - Bihta, Distt. - Patna
2. Rahul Ray @ Rahul Kumar Son of Jitendra Ray @ Jitendra Kumar R/o vill - Tutlupur, P.S. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh, Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest in connection with Bihta P.S. Case No. 390 of 2023, for the offence registered under Sections 148, 149, 341, 323, 325, 307, 353, 332, 333, 224, 225, 427 of the Indian Penal Code lodged on 24.04.2023, by the informant, Anil Sah.

3. As per the prosecution story, the allegation is that the police after conducting raid was returning when it found two persons in drunken stage. One of them was arrested. In the meantime, altogether 50 unknown persons came there making unlawful assembly to successfully rescue the accused, Tota Rai. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that the



people of entire area have been rounded off and made accuseds. Further, general and omnibus allegation has been made against them. Further, while the petitioner No.1 is a Driver, the petitioner No. 2 is a student and son of petitioner No.1. The last submission is that irrespective of the outcome of present petition as also without accepting the allegation, want to contribute to Chief Minister Relief Fund's by paying Rs.1000/ each.

5. Learned APP for the State opposes the prayer for bail and submits that they are part of the unlawful assembly which rescued the apprehended persons.

6. Taking into account the fact that omnibus allegation is there against the accused persons, ultimately they will have to face the trial, this Court is inclined to grant anticipatory bail to the petitioners subject to payment of Rs.1000/- each as stated above in the Chief Minister Relief Fund.

7. In the aforesaid circumstances 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 A.C.J.M.-I, Danapur, in connection with Bihta P.S. Case No. 390 of 2023, subject to condition as mentioned above and subject to further



condition as laid down under Section 438(2) of the Cr.PC with further condition that :-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide.

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself,

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance,

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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