

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65036 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- MADANPUR District- Aurangabad

1. Binod Prasad Soni Son of Ruplal Soni, Resident of Village- Shivganj P.S.- Madanpur, Dist- Aurangabad.
2. Ravi Kumar Soni @ Rocky @ Rocky Kumar @ Rocky Kumar Soni S/o- Ramdeo Prasad Soni, Resident of Village- Shivganj P.S.- Madanpur, Dist- Aurangabad.
3. Rahul Kumar Soni S/o- Ramdeo Prasad Soni, Resident of Village- Shivganj P.S.- Madanpur, Dist- Aurangabad.
4. Jaswant Kumar Soni @ Yashwant Kumar S/O- Jairam Prasad Soni, Resident of Village- Shivganj P.S.- Madanpur, Dist- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.
For the Opposite Party/s : Mr. Anish Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Madanpur P.S. Case No. 01 of 2023 dated 01.01.2023, instituted under Sections 307, 323, 504, 147, 148, 149 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, the accused persons armed with weapons restrained the informant and his brother. The specific allegation is against co-accused Murari Prasad Soni that he has opened fire upon the informant and the co-accused



Balwant Kumar Soni and Bipin Kumar Soni have assaulted the brother of informant with iron rod on his head. It is also alleged that co-accused Murari Prasad Soni fired upon Ritesh Raj on his chest.

4. Learned counsel for the petitioners submits that the allegation against the petitioners is that they are members of the mob and there is no allegation of overt act against the petitioners. He further submits that for the said occurrence Ritesh Raj has also filed F.I.R. bearing Madanpur P.S. Case No.636 of 2022 dated 12.12.2022 in which he has not made any allegation against the petitioners. He also submits that the injuries on the informant and his brother are simple in nature which is caused by hard and blunt substance. Learned counsel submits that petitioners have no concern with the alleged occurrence and since the petitioners are relative of prime accused Murari Prasad Soni, therefore, they have been made accused in this case. He further submits that antecedent of petitioners are clean.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event



of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned C.J.M., Aurangabad in connection with Madanpur P.S. Case No. 01 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J.)

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