

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67327 of 2023

Arising Out of PS. Case No.-359 Year-2023 Thana- PHULWARISHARIF District- Patna

1. SHYAM NARAYAN RAI SON OF LATE SHIVBALAK RAI Village- Bhusaula Danapur Pokhar Per, Ps- Phulwari Sharif Dist- Patna
2. Rajendra Rai son of Shibalak Rai Village- Bhusaula Danapur Pokhar Per, Ps- Phulwari Sharif Dist- Patna
3. Ashok Rai son of Late Shibalak Rai Village- Bhusaula Danapur Pokhar Per, Ps- Phulwari Sharif Dist- Patna
4. Sonu Kumar son Devnarayan Rai Village- Bhusaula Danapur Pokhar Per, Ps- Phulwari Sharif Dist- Patna
5. Rohit Kumar @ Ladu son of Ashok Rai Village- Bhusaula Danapur Pokhar Per, Ps- Phulwari Sharif Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Kumar, Adv.
For the Opposite Party/s	:	Mr.Ram Sumiran Rai, APP
For the Informant	:	Mr.Ravi Shanker Pankaj, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-11-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under sections 147, 148, 149, 341, 448, 323, 379, 307 of the Indian Penal Code and section 27 of the Arms Act.

3. Allegedly, petitioners along with other accused persons came to the house of informant and started assaulting and other



co-accused persons started firing, as a result of which one Rupa Kumari and Yuvraj Kumar sustained fire arm injury.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. There is general and omnibus allegation against the petitioners and the specific allegation is against other four co-accused persons namely Jitendra Kumar, Chunnu Kumar, Prakash Kumar and Pradeep Kumar. At best petitioners can be said to be members of the mob and several similarly situated co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No.37105/2023, dated 26.07.2023. Petitioner nos.1, 3 and 4 have one criminal antecedents and petitioner nos.2 and 5 have two criminal antecedents.

5. Learned APP for the State as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail by submitting that the petitioners are also involved in the alleged offence.

6. Having regard to the facts and circumstances of the case, since similarly situated co-accused have been granted bail, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Phulwarisharif P.S. Case No.359 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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