

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68000 of 2022

Arising Out of PS. Case No.-416 Year-2020 Thana- DIGHA District- Patna

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Anil Rai @ Sadhu Rai @ Anil Kumar, Son of Sri Madan Rai, R/O Vill.-
Yadubanshi Nagar, Ashiyana Road, Digha Ghat, P.S.- Digha, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Vijay Kumar Sinha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Digha P.S. Case No. 416 of 2020 registered for
the offences punishable under Sections 447, 341, 342, 323, 324,
325, 326, 307, 385, 387, 504 and 506/34 of the Indian Penal
Code.

It is alleged that accused Manager Rai along with 15-
20 anti social elements variously armed came and assaulted the
informant. When the sons of the informant came in his rescue,
the accused persons also assaulted them. The specific allegation



has been levelled against co-accused Manager Rai, who assaulted the informant by means of iron rod.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is no specific allegation of any assault, rather general and omnibus allegation has been levelled against all the accused persons. He further submits that only because the petitioner being brother of Manager Rai, he has been implicated in this case, moreover, other accused persons having identical allegations, have been allowed the privilege of bail by the learned coordinate Benches of this Court, the copies of which have been annexed as Annexures 3 and 4 to the application. He next submits that a complaint case has also been filed against the informant by the wife of Manager Rai, however, on account of grudge the name of all the family members of Manager Rai has been implicated in this case. He lastly submits that the petitioner is in custody since 06.07.2022, more so, he is a man of fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation and the fact that other co-accused persons, having



identical allegation, have been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-cum-ACJM-XIII, Patna in connection with Digha P.S. Case No. 416 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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