

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71125 of 2022

Arising Out of PS. Case No.-304 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. Pankaj Rai @ Pankaj Kumar Rai S/O Nandlal Rai R/O Village Rannuchak, P.S- Nathnagar, District- Bhagalpur
2. Mukesh Rai S/O Late Dayanand Rai R/O Village Rannuchak, P.S- Nathnagar, District- Bhagalpur
3. Manoj Kumar Rai @ Hiralal Rai S/O Late Sikendra Rai R/O Village Rannuchak, P.S- Nathnagar, District- Bhagalpur
4. Suman Kumar @ Kumar Suman @ Suman Kumar Rai S/O Vivekanand Rai R/O Village Rannuchak, P.S- Nathnagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-05-2023 Heard Mr. Bijendra Kumar, learned counsel appearing on behalf of the petitioners and Dr. Mrityunjaya Kr. Gautam, learned APP appearing on behalf of the State.

2. The petitioner nos. 2, 3 and 4 apprehend their arrest in connection with Nathnagar P.S. Case No. 304 of 2022 registered under Sections 147, 148, 149, 379, 427, 384, 341, 342, 323, 307, 324, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution story, in brief, is that the accused persons named in the F.I.R assaulted the informant with iron rod, farsa, lathi and other weapons.



4. Learned counsel appearing on behalf of the petitioners inform this Court that petitioner no. 1 has been arrested during the pendency of the present bail application, so far as, the petitioner nos. 2, 3 and 4 are concerned they seeks to be released on bail.

5. Learned counsel appearing on behalf of the petitioners submit that as per the allegation made in the F.I.R against the petitioner no. 1 is order giver and the allegation against the petitioner nos. 2, 3 and 4 are general and omnibus. Learned counsel further submits that both the sides are on inimical terms due to which they have lodged several cases against each other. Learned counsel further submits that injuries sustained are simple in nature.

6. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioners and submits that all petitioners have criminal antecedent and if they are released on bail it will be nuisance to the society.

7. Considering the rival submission of the parties, prima facie, it appears that the allegation made in the present F.I.R. are general and omnibus and other co-accused persons namely Pushkar Rai, Tuntun Rai and Rajesh Kumar Rai, against



whom similar allegation have been made, have already been granted bail vide order dated 24.02.2023 passed in Cr. Misc No. 64712 of 2022. In above view of the matter it appears that, the petitioner nos. 2, 3 and 4 have made out a *prima facie* case to be released on anticipatory bail.

8. The Court below is directed to release the petitioner nos. 2, 3 and 4 on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Nathpur P.S. Case 304 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The present bail application is disposed of.

(Purnendu Singh, J)

minu/nilmani

U		T	
---	--	---	--

