

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71753 of 2022

Arising Out of PS. Case No.-269 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. Shambhu Rai @ Vikram Shankar Rai Son of Late Uma Shankar Rai Resident of Village- Rannuchak, P.S.- Nath Nagar, District- Bhagalpur
2. Abnish Kumar Rai @ Abinash Kumar Rai Son of Saroj Rai Resident of Village- Rannuchak, P.S.- Nath Nagar, District- Bhagalpur
3. Rajesh Kumar Rai Son of Late Guneshwar Rai Resident of Village- Rannuchak, P.S.- Nath Nagar, District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and Mr. Anant Kumar 1, learned APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Nathnagar P.S. Case No. 269 of 2022 dated 26.04.2022 registered for the offences under Sections 341, 147, 148, 149, 323, 427, 386, 504, 506 of the Indian Penal Code. The petitioner no.1 and 2 have no criminal antecedent. A supplementary affidavit has been filed stating that the petitioner no. 3 has one criminal antecedent.

As per the prosecution story, on 20.04.2022 at 11:30 A.M., the informant while coming from Diyara Mauza, Ajmaripur with five loaded and two unloaded tractors, was



surrounded by 20-25 co-villagers who started abusing and assaulted him. They also broke tractor, damaged tyre and tubes which caused a loss of Rs. 4,00,000- 5,00,000/- There were total 17 named and 5-7 unknown accused persons.

Learned counsel for the petitioners submits that there is no specific allegation against the petitioners and they have been falsely implicated in this case. It is submitted that the parties are co-villagers and the co-accused Santosh Kumar Roy has already been granted bail in Cr. Misc. No. 49959 of 2022.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the fact that the parties are co-villagers, there is no specific allegation against these petitioners and the co-accused Santosh Kumar Roy has already been granted bail in Cr. Misc. No. 49959 of 2022 dated 15.11.2022, this Court grants bail to the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Nathnagar P.S. Case No. 269 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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