

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72870 of 2022

Arising Out of PS. Case No.-493 Year-2021 Thana- VAISHALI District- Vaishali

1. MOHAN RAI @ MOHANLAL RAI Son of Gangadhar Rai Resident of Village- Sorhatha, P.S.- Vaishali, District- Vaishali
2. AVINASH KUMAR Son of Budhan Ray Resident of Village-Sorhatha, P.S.- Vaishali, District- Vaishali
3. JIMDAR RAY Son of Bahtu Ray @ Jaddu Ray Resident of Village- Sorhatha, P.S.- Vaishali, District- Vaishali
4. KISHANDEV RAY @ KISHUNDEV RAY Son of Rajendra Ray Resident of Village- Sorhttha , P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

At the very outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no.1, who has been apprehended by the police, during the pendency of this application.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 341, 323, 353, 307, 504, 506, 427 of the IPC and section 27 of the Arms Act.

Allegedly, large number of people assembled in front of



the house of Virendra Rai and Shailendra Rai and they were pelting stones and also firing. Petitioners and others named persons damaged the houses of Manorma Devi and others. They pelted stones on the police force. From the spot, three empty cartridges were also recovered.

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. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that petitioners can, at best, be said to be the members of mob. Petitioners have no criminal antecedent except one case which is lodged for the same offence. Several similarly situated co-accused persons have been enlarged on anticipatory bail by co-ordinate Benches of this Court vide order dated 24.01.2023 passed in Cr. Misc.61916 of 2022 and 25.11.2022 passed in Cr. Misc. No.59936 of 2022.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since similarly situated co-accused have been enlarged on bail, let the above named petitioner nos.2 to 4, 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 Vaishali (Belsar O.P.) P.S. Case No.493 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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