

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70549 of 2022

Arising Out of PS. Case No.-494 Year-2021 Thana- VAISHALI District- Vaishali

1. MOHAN RAI @ MOHANLAL RAI Son of Gangadhar Rai Resident of Village- Bibipur 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- Bibipur Sorhatha, P.S.- Vaishali, District- Vaishali
4. KISHANDEV RAY @ KISHUNDEV RAY Son of Rajendra Ray Resident of Village- Sorhttha Tal, 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. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-01-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1, submitting that during pendency of this application petitioner no.1 has been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in respect of petitioner no. 1.

Now this application survives for petitioner no. 2, 3 & 4.



The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 341, 337, 427, 454, 380, 307, 504, 506 and 452 of the Indian Penal Code and Section 27 of the Arms Act pending in the learned Court below.

The petitioners in association of other co-accused is said to have assaulted the Indu Devi's supporters and others. They also pelted the bricks and fired upon the house of the informant. They looted cash of Rs. 1,00,000/- and jewelries.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and has committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The injuries sustained by the victims are simple in nature. Similarly situated co-accused persons have been enlarged on bail by a co-ordinate bench of this court vide order dated 10.01.2023 passed in Cr. Misc. No. 61923 of 2022. Petitioners have one criminal antecedent arising out of same occurrence, as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.



Having regard to the facts and circumstances of the case, since the similarly situated co-accused have been granted anticipatory bail, let the above named petitioner nos. 2, 3 & 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 lower Court where the case is pending/successor Court in connection with Vaishali (Belsar O.P.) P.S. Case No. 494 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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