

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5159 of 2023

Arising Out of PS. Case No.-659 Year-2022 Thana- BARHARA District- Bhojpur

1. Upendra Rai Son Of Jamuna Rai R/O Village- Englishpur Sirisiya On The Bank Of Ganga Bhagar, P.S.- Barhara, District- Bhojpur
2. Narayan Rai Son Of Late Devraj Rai R/O Village- Englishpur Sirisiya On The Bank Of Ganga Bhagar, P.S.- Barhara, District- Bhojpur
3. Badru Rai @ Bahadur Rai Son Of Nanahak Rai R/O Village- Englishpur Sirisiya On The Bank Of Ganga Bhagar, P.S.- Barhara, District- Bhojpur
4. Akhilesh Rai Son Of Late Baleshwar Rai @ Bhakuri Rai R/O Village- Englishpur Sirisiya On The Bank Of Ganga Bhagar, P.S.- Barhara, District- Bhojpur
5. Kundan Singh @ Kundan Rai Son Of Late Ram Eakbal Singh R/O Village- Mohanpur, P.S.- Barhara, District- Bhojpur
6. Kanhaiya Singh Son Of Dayanand Singh R/O Village- Mohanpur, P.S.- Barhara, District- Bhojpur
7. Chhathi Rai Son Of Rajdeo Rai R/O Village- Englishpur Sirisiya On The Bank Of Ganga Bhagar, P.S.- Barhara, District- Bhojpur
8. Lagan Rai Son Of Jawahir Rai R/O Village- Englishpur Sirisiya On The Bank Of Ganga Bhagar, P.S.- Barhara, District- Bhojpur
9. Mithilesh Rai Son Of Suresh Rai R/O Village- Englishpur Sirisiya On The Bank Of Ganga Bhagar, P.S.- Barhara, District- Bhojpur
10. Guru Rai @ Shrikant Yadav Son Of Sri Krishna Rai R/O Village- Englishpur Sirisiya On The Bank Of Ganga Bhagar, P.S.- Barhara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 147, 148,



149, 341, 323, 307 and 379 of the Indian Penal Code and Section 27 of the Arms Act pending in the learned court below.

Petitioners are said to have involved in the illegal business of sand.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that from perusal of the FIR it is clear that the named of the accused persons have come on the basis of the statement of the Chowkidar. He submits that there is no specific overt act against the petitioners. He further submits that similarly situated other co-accused persons have already been granted bail by a this Court vide order dated 10.04.2023 passed in Cr. Misc. No. 5576/2023 and order dated 07.02.2023 passed in Cr. Misc. No. 1072/2023. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances and the fact that similarly situated others co-accused persons have been granted bail by this Court, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on



anticipatory bail, on furnishing bail bonds of Rs.25,000/-
(Rupees Twenty Five Thousand) each with two sureties of the
like amount to the satisfaction of the learned Court below, where
the case is pending/Successor court, in connection with Barhara
P.S. Case No.659/2022, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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