

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24285 of 2024

Arising Out of PS. Case No.-164 Year-2016 Thana- DORIGANJ District- Saran

Biteshwar Rai @ Biteshar Rai Son of Late Chaten Rai Resident of Village-
Mohaji, Ps- Doriganj, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 7263 of 2024

Arising Out of PS. Case No.-164 Year-2016 Thana- DORIGANJ District- Saran

Lalan Ray @ Lallan Rai son of Late Chetan Rai Village- Mahaji Ps- Doriganj
Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 24285 of 2024)
For the Petitioner/s : Mr.Bimal Kumar, Adv.
For the Opposite Party/s : Ms.Shaheen Begum, APP
(In CRIMINAL MISCELLANEOUS No. 7263 of 2024)
For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State in both the cases. Perused the case diary.

2. The petitioners seek bail in connection with
Doriganj P.S. Case No. 164 of 2016 instituted for the offences
under Sections 363, 365, 379, 436, 34 of the Indian Penal Code.

3. As per prosecution case, on the date of occurrence,



the accused persons along with the petitioners came on motorcycle and took away the wife of the Informant, Tileshwari Devi. It is alleged that the co-accused Krishna Rai, Sakaldip Rai, Harihar Rai, Manoj Rai took away jewelry and burnt the house.

4. Learned counsel for the petitioner in Cr. Misc. No. 24285 of 2024 submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner has no concern with the alleged occurrence. He further submits that not a single witness has come forward claiming identification of the petitioner in the alleged occurrence. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of both the bail applications. The petitioner is languishing in judicial custody since 05.02.2024.

5. Learned counsel for the petitioner in Cr. Misc. No. 7263 of 2024 submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner has no concern with the alleged occurrence. The petitioner and the



Informant are co-villagers and there is land dispute between them. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the bail application. The petitioner is languishing in judicial custody since 25.11.2023.

6. Learned counsel for the petitioners again submit that the co-accused Ramadhar Rai and Saroj Rai @ Mangal Rai have been granted bail by a Co-ordinate Bench of this Court vide order dated 01.05.2017 passed in Cr. Misc. No. 11498 of 2017.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the both the petitioners are named in the F.I.R. and have actively participated in the occurrence. The lady in her statement has also named the petitioners to be involved in the alleged occurrence and, thus, the petitioners do not deserve bail.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail, on furnishing bail



bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Doriganj P.S. Case No. 164 of 2016.

(Rudra Prakash Mishra, J)

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