

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18101 of 2024

Arising Out of PS. Case No.-458 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

1. Bhola Kumar@ Bhola Rai Son Of Late Bhagyanarayan Ray Resident Of Village- Balthi Rasulpur, Ps- Bochhan, Distt- Muzaffarpur
2. Arjun Ray @ Arjun Rai Son Of Late Bhag Narayan Ray Resident Of Village- Balthi Rasulpur, Ps- Bochhan, Distt- Muzaffarpur
3. Manoj Ray @ Manoj Rai @ Manoj Raj Son Of Dhaneshwar Ray Resident Of Village- Balthi Rasulpur, Ps- Bochhan, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shambhoo Kumar Suman,Adv
For the Opposite Party/s	:	Mr.Pranav Kumar, APP
For the Informant	:	Mr.Ratneshwar Prasad with Ms.Nitu Kumari, Advocates.

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

ORAL ORDER

3 14-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Bochahan P.S. Case No. 458 of 2023 instituted for the offences under Sections 147, 149, 341, 323, 447, 325, 307, 379, 354B, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioners along with others is of assaulting the informant along with his family members due to which they sustained injury.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. It is submitted by learned counsel for the petitioners that there is general and omnibus allegation against the petitioners rather the specific allegation of assaulting by means of iron rod upon Anoop Ray is against petitioner no. 3, namely, Manoj Ray @ Manoj Rai @ Manoj Raj, due to which he sustained grievous injury. Moreover, the petitioner nos. 1 and 2 have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail and submitted that the specific allegation of assaulting by means of iron rod upon Anoop Ray is against petitioner no. 3, namely, Manoj Ray @ Manoj Rai @ Manoj Raj, due to which he sustained grievous injury.

6. Considering the aforesaid facts and circumstances of the case, there is no specific allegation against the petitioner nos. 1 and 2, let the petitioner nos. 1 and 2, in the event of 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. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Bochahan P.S.



Case No. 458 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. So far as petitioner no. 3, namely, Manoj Ray @ Manoj Rai @ Manoj Raj is concerned, there is specific allegation against him. The petitioner no. 3 having two criminal antecedents and the fact that the specific allegation of assault by means of iron rod upon Anoop Ray is against petitioner no.3, this Court is not inclined to grant anticipatory bail to the petitioner no. 3.

8. Accordingly, the prayer is rejected.

9. However, if the petitioner no. 3 surrenders and prays for regular bail, the same shall be considered by the Court below on its own merit without being prejudiced by this order of rejection.

(Rudra Prakash Mishra, J)

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