

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21674 of 2024**

Arising Out of PS. Case No.-709 Year-2023 Thana- MANER District- Patna

Bhanu Ray @ Somnath Ray, male, aged about 55 years, s/o – Bitan Ray @ Butan Ray, resident of Pathlotiya, Katesar, P.S. - Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 26108 of 2024

Arising Out of PS. Case No.-709 Year-2023 Thana- MANER District- Patna

Gopaljee Ray @ Gopal Rai, aged about 46 years, male, son of Late Shivparsaon Rai resident of village – Raipur Binawan, P.S. - Doriganj, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 21674 of 2024)
For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP
(In CRIMINAL MISCELLANEOUS No. 26108 of 2024)
For the Petitioner/s : Mr. Ram Niwas Prasad, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER**

6 06-09-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 447, 307, 386, 379, 504, 506 and 120B of the Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the Arms Act.



3. As per the prosecution case, some miscreants were engaged in illegal sand mining and when informant along with other police personnel reached there, they started firing upon them and informant apprehended nine miscreants from the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case only on the basis of suspicion. He further submits that petitioners were not present at the place of occurrence and no incriminating articles have been recovered from the possession of the petitioners and their name have been dragged in this case due to dirty village politics.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

6. From perusal of the First Information Report, case diary, antecedent report, seizer list, injury report and impugned order dated 17.01.2024/ 22.01.2024, it appears that from perusal of para- 6, 7, 8 and 9 of the case diary witnesses have supported the prosecution story and from perusal of para 30 of the case diary which contains the injury report of the police personnel and investigation is still pending against the above named petitioners, so I am not inclined to grant anticipatory bail to the above named petitioners.



7. Accordingly, the prayer for anticipatory bail of the above named petitioners is hereby rejected.

8. However, it is made clear that if the petitioners surrender before the trial Court within a period of 30 days from today, then the trial Court may consider their prayer for bail on the same day without being prejudiced by this order.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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