

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29308 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- BHAGWANPUR District- Vaishali

1. Brijnandan Ray @ Dhundu Ray SON OF LATE RAM SEVAK RAY
RESIDENT OF VILLAGE- RATANPURA, PS- BHAGWANPUR, DIST-
VAISHALI
2. UPENDRA RAY SON OF BRIJNANDAN RAY @ DHUNDU RAY
RESIDENT OF VILLAGE- RATANPURA, PS- BHAGWANPUR, DIST-
VAISHALI
3. DHARMENDRA KUMAR SON OF BRIJNANDAN RAY @ DHUNDU
RAY RESIDENT OF VILLAGE- RATANPURA, PS- BHAGWANPUR,
DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate. Mr. Rajeev Ranjan No. II, Advocate.
For the State	:	Mr. Vinod Shanker Modi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-08-2024 Heard Mr. Pranav Kumar, learned counsel along

with Mr. Rajeev Ranjan No. II, learned counsel appearing on

behalf of the petitioners and Mr. Vinod Shanker Modi, learned

APP for the State in both the bail applications.

2. At the outset, learned counsel appearing on behalf
of the petitioners seeks to withdraw the prayer for bail of the
petitioner no.3 Dharmendra Kumar submitting that the
petitioner no.3 Dharmendra Kumar has been arrested during the
pendency of the bail application.

3. Accordingly, the bail application on behalf of



petitioner no.3 Dharmendra Kumar is dismissed as withdrawn.

4. The petitioner nos. 1 and 2 apprehend their arrest in connection with Bahgwanpur P.S. Case No. 234 of 2023 registered under Sections 341, 323, 379, 307 and 34 of the Indian Penal Code.

5. As per the allegation made in the FIR, the petitioners, along with other named accused persons, had assaulted the informant with a common intention to kill, causing him head injury.

6. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case due to previous enmity with the informant. There is case and counter case between the parties. There is general and omnibus allegation levelled against the petitioners. Petitioners have clean antecedent. Similarly situated co-accused namely Sanjeet Kumar has been granted pre-arrest bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No. 20568 of 2024.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

8. Considering the rival submission made on behalf of the parties, as well as, the fact that a general and omnibus



allegation has been levelled against the petitioners, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

9. The District Court is directed to release the petitioner nos. 1 and 2, on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate – VI, Vaishali at Hajipur in connection with Bagwanpur P.S. Case No. 234 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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