

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31707 of 2024

Arising Out of PS. Case No.-327 Year-2023 Thana- NAYA RAM NAGAR District- Munger

1. Shambhu Rai son of Jyoti Rai R/o- Farda Dih Tola Ps- Naya Ram Nagar Dist- Munger
2. Sanjay Rai son of Jyoti Rai R/o- Farda Dih Tola Ps- Naya Ram Nagar Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surya Narayan Sah, Adv.
For the State	:	Mr. Mritunjay Kr. Nirala, APP
For the Informant	:	Ms. Minakshi Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Surya Narayan Sah, learned counsel appearing on behalf of the petitioners and Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor for the State. The informant is represented by Ms. Minakshi Kumari, learned counsel.

2. The petitioners apprehend their arrest in connection with Naya Ram Nagar P.S. Case No. 327 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and 27 of the Arms Act.

3. The prosecution case as narrated in the FIR accuses that the accused persons were indulged in the trade of illicit liquor and when the protest was made by the informant's side all the FIR named accused persons, including the petitioners,



variously armed came at the house of the informant and assaulted the informant and his father.

4. Learned counsel for the petitioners contended that in fact on account of a dispute pending between the parties there is a case and counter case bearing Naya Ram Nagar P.S. Case No. 326 of 2023 lodged by the persons of both the side against each other. However, the petitioners' case is earlier on the point of time. Further submission has been made that the specific allegation has been levelled against Bago Rai @ Mukesh Rai and Gujo Rai. So far the petitioners are concerned, there is general and omnibus allegation against them. It is next contended that petitioner no. 1 has one criminal antecedent whereas petitioner no. 2 has two criminal antecedent, however, they are on bail in all the cases. The petitioners undertake that they will fully cooperate in the investigation and would not indulge in any manner intimidating the informant/witnesses.

5. On the other hand, learned counsel for the State as well as the informant vehemently oppose the bail application and submit that the petitioners have actively participated in the crime and assaulted the informant and his father resulting into grievous injury.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation and the factum of the delayed lodging of the case and counter case, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Munger in connection with Naya Ram Nagar P.S. Case No. 327 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further conditions:

(i) that one of the bailors shall be the own/close family members of the petitioners,

(ii) that the petitioners shall not indulge in intimidating or threatening the witnesses/informant, and

(iii) in case the petitioners are found indulged in similar nature of crime, the prosecution shall be at liberty to file a proper application for cancellation of their bail bonds.

(Harish Kumar, J)

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