

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37843 of 2024

Arising Out of PS. Case No.-996 Year-2023 Thana- DIGHA District- Patna

1. Mithilesh Kumar Ray @ Mithilesh Kumar @ Mithilesh Ray Son of Ashok Rai Resident of Village - Nakta Diyara, P.S.- Digha, District - Patna. At Present Nasariganj, P.S. - Danapur, District - Patna.
2. Subodh Rai Son of Ashok Rai Resident of Village - Nakta Diyara, P.S.- Digha, District - Patna. At Present Nasariganj, P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

7 20-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Digha P.S. Case No. 996 of 2023 registered for the offences punishable under Sections 307, 341, 325, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that on a dispute over cremation of dead body of the father of the informant, the accused persons, variously armed, including the petitioners came and assaulted and co-accused Mithilesh fired at the son of the informant due to which he sustained injury.



4. Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. There is a case and counter case between the parties. He further submits that there is no direct or specific allegation of any overt act against the petitioners rather the same are general and omnibus in nature. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application.

5. Learned counsel for the petitioners further submits that the co-accused Golu Kumar has been granted regular bail by this Court vide order dated 18.03.2024 passed in Cr. Misc. No. 19945 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners, stating that there is specific allegation of firing against both the petitioners. The witnesses in Para-8 and 10 of the case diary have supported the prosecution case. The injury report also supports the prosecution case. The offence alleged is serious in nature and, thus, the petitioners do not deserve the privilege of anticipatory bail.

7. Considering the entire facts and circumstances of the case and there being specific and direct allegation of firing



against the petitioners, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

8. Accordingly, the prayer for anticipatory bail of the petitioners, above named, is rejected. If the petitioners surrender before the court below within a period of four weeks from today and pray for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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