

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50528 of 2024

Arising Out of PS. Case No.-84 Year-2021 Thana- BAISI District- Purnia

1. MAHENDRA RAI @ MAHENDRA LAL HARIJAN SON OF JOGINDER LAL HARIJAN RESIDENT OF KARBALA, POLICE STATION - ROTA, DISTRICT - PURNIA
2. SANTLAL RAI SON OF DOMALLAL RAI RESIDENT OF VILLAGE - CHOPRA, POLICE STATION - BAISI, DISTRICT - PURNIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 212, 186, 188, 189, 147, 148, 149, 341, 323, 307, 353, 224, 225, 504 and 506 of the Indian Penal Code as well as Sections 37(c)(2) and 45 of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that when the police team reached the house of Manoj Kumar he was seen drinking and dancing on DJ with some other accused thereafter he was arrested when 20-30 people came and attacked the police team with bricks and sticks and in that



process Manoj Kumar fled away from the custody of the police and the accused came to be identified by the Chawkidar.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that petitioners are not related to Manoj Kumar and they have been falsely implicated in the instant case by the Chawkidar for ulterior reason. It is next submitted that petitioners are the residents of the same area where Manoj Kumar resides and when the police had reached the petitioners came out of their house to see the occurrence when they came to be implicated.

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

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or 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.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Baisi P.S. Case No.



84 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioners have antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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