

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41029 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- BARURAJ District- Muzaffarpur

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1. Anil Rai S/O Laxmilal Rai R/O Village- Bakhri, P.S- Baruraj, Distt.- Muzaffarpur.
 2. Roshan Kumar S/O Chandeshwar Rai R/O Village- Bakhri, P.S- Baruraj, Distt.- Muzaffarpur.
 3. Mahesh Rai S/O Kewal Rai R/O Village- Bhagwanpur, P.S- Baruraj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Learned counsel for the petitioners is permitted to correct the name of the petitioner no.2 in course of the day.

2. Heard Mr. Santosh Kumar, learned counsel for the petitioners and Mr. Brajendra Nath Pandey, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Baruraj P.S. Case No. 41 of 2024, F.I.R. dated 06.03.2024 for the offences punishable under Sections 147, 148, 149, 323, 341, 307, 332, 333, 337, 338, 353 and 427 of the Indian Penal Code.

4. According to prosecution case, A mob of about 200



anti-social elements including the petitioners is said to have obstructed the official duty of the police personnel and other government officials and they also assaulted the Sub-inspector of Police Baruraj, QRT Constable and others in the said occurrence due to which they became injured.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that there is no any specific allegation of any assault or overt act rather general and omnibus allegation attributed against all the accused persons including the petitioners. He further submits that the petitioners are not named in the FIR, the names of the petitioners have been transpired on the basis of the disclosure made by the co-accused persons, namely, Brijkishore Rai and Manoj Rai.

6. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances and the fact that petitioners have clean antecedent and there is



no any allegation of any assault or overt act against these petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, (West), Muzaffarpur in connection with Baruraj P.S. Case No. 41 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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