

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61131 of 2024

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

Ram Uday Singh S/o Kedar Singh, R/o village- Bhagwanpur, PS- Baruraj,
Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 64061 of 2024

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

Sanjay Singh S/o Jageshwar Singh, R/o village- Bakhri, PS- Baruraj, Distt.-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61131 of 2024)

For the Petitioner/s : Ms. Bela Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 64061 of 2024)

For the Petitioner/s : Ms. Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2024 Both the criminal miscellaneous petitions have arisen out of the same police station case number, hence they are being heard together and decided by a common order.

2. Heard Ms. Bela Singh, the learned counsel for the petitioners and Mr. Ajit Kumar, the learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Baruraj PS Case No. 41 of 2024, FIR dated



06.03.2024, registered 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 the prosecution case, while the construction of road in BIADA campus was taking place, local villagers along with anti-social elements, variously armed and around two hundred in number, started pelting brick-bats and obstructed the construction of road and also assaulted various officials due to which they received injuries.

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 upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners. He lastly submits that the co-accused persons namely, Anil Rai & Ors. have been granted the privilege of anticipatory bail by this Court vide order dated 03.07.2024 passed in Cr. Misc. No. 41029 of 2024.

6. The 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 mainly the facts that petitioners have clean antecedent, there is no specific allegation of any assault or overt act and other similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioners, above-named **in Cr. Misc. No. 61131 of 2024 and in Cr. Misc. No. 64061 of 2024**, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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, Court No. 5, Muzaffarpur, where the case is pending in connection with **Baruraj PS Case No. 41 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

(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 learned trial Court 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 learned trial Court shall take step for cancellation of bail bond 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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