

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67178 of 2024

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

1. Ram Pravesh Rai S/o Govind Rai @ Yogendra Ray Resident of Village - Bhagwanpur, P.S.- Baruraj, Distt.- Muzaffapur.
2. Surendra Rai S/o Sati Rai @ Satya Narayan Ray Resident of Village - Bhagwanpur, P.S.- Baruraj, Distt.- Muzaffapur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2024 Heard Mr. Manoj Kumar, learned counsel for the petitioners as well as Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. 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, 341, 323, 307, 332, 333, 337, 338, 353 and 427 of the Indian Penal Code.

3. According to prosecution case, about 200 persons including these petitioners have attacked on police personnel who were deputed to ensure proper construction of road in BIADA campus. It is further alleged that the police personnel received some injuries.



4. 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 it appears from the F.I.R that altogether 200 persons have attacked on the police party and there is no accusation of any assault or overt act against these petitioners. He further submits that the similarly situated co-accused persons, namely, Anil Rai and others have been granted anticipatory bail by this Court vide order dated 03.07.2024 passed in Cr. Misc. No. 41029 of 2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is no accusation of any assault or overt act against these petitioners and the co-accused persons have been granted bail by this Court, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court No. 5 J.M. 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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