

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66631 of 2024

Arising Out of PS. Case No.-287 Year-2023 Thana- RAGHOPUR District- Vaishali

1. Ravi Kumar S/O Suryadev Ray R/O Ibrahimabad, P.S- Raghapur, Distt.- Vaishali.
2. Munarik Ray S/O Late Gurusharan Ray R/O Ibrahimabad, P.S- Raghapur, Distt.- Vaishali.
3. Upendra Ray S/O Late Nagendra Ray R/O Ibrahimabad, P.S- Raghapur, Distt.- Vaishali.
4. Ashok Ray @ Ashokh Ray S/O Late Nagendra Ray R/O Ibrahimabad, P.S- Raghapur, Distt.- Vaishali.
5. Mithilesh Ray @ ithlesh Ray S/O Late Nagendra RAY R/O Ibrahimabad, P.S- Raghapur, Distt.- Vaishali.
6. Akhilesh Ray @ Aklesh Ray @ Akhlesh Ray S/O Late Nagendra Ray R/O Ibrahimabad, P.S- Raghapur, Distt.- Vaishali.
7. Suryadev Ray @ Suyardev Ray S/O Late Mahipat Ray R/O Ibrahimabad, P.S- Raghapur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate Ms. Neha Rani, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 27-09-2024 Heard Ld. counsel for the petitioners and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioners, apprehending their arrest, in connection with
Raghapur PS. Case No. 287 of 2023, registered for the offences
punishable under Sections 147, 148, 341, 323, 504 and 506 of
the Indian Penal Code and Section 27 of the Arms Act.



3. The prosecution case as emerges from the FIR is that when the informant had sown seeds of wheat in his field, the co-accused persons came and started abusing and firing from their pistols.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the allegation levelled against the petitioners is trifle in nature. There is no allegation of any firing by the petitioners. Allegation of firing is only against the two accused, namely, Bharat Rai and Sohan Rai. He also submits that the similarly situated co-accused, namely, Karu Rai has already been enlarged on anticipatory bail by this Court vide order dated 21.05.2024 passed in Cr. Misc. No. 31437 of 2024.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no. 3 of the petition that the petitioners have been made accused in one other case except petitioner no. 2.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) **each** with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Vaishali, Hajipur, in connection with Raghapur PS. Case No. 287 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

Shoaib/Ramesh

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