

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75875 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- BOCHAHAN District- Muzaffarpur

1. Ramesh Rai @ Ramesh Kumar Son of Hullas Ray R/O Vill.- Baliya Indrajeet, P.s.- Bochahan, Dist.- Muzaffarpur.
2. Rajesh Rai Son of Hullas Ray R/O Vill.- Baliya Indrajeet, P.s.- Bochahan, Dist.- Muzaffarpur.
3. Sajan Kumar Son of Dinesh Ray R/O Vill.- Baliya Indrajeet, P.s.- Bochahan, Dist.- Muzaffarpur.
4. Pankaj Kumar @ Pankaj Rai Son of Mahesh Ray R/O Vill.- Baliya Indrajeet, P.s.- Bochahan, Dist.- Muzaffarpur.
5. Pawan Kumar Son of Mahesh Ray R/O Vill.- Baliya Indrajeet, P.s.- Bochahan, Dist.- Muzaffarpur.
6. Manjay Kumar @ Manjay Rai Son of Hullas Ray R/O Vill.- Baliya Indrajeet, P.s.- Bochahan, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Bochaha P. S. Case No.131 of 2024 under Sections 147, 148, 149, 341, 342, 323, 324, 307, 353, 354, 504 and 506 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged



against 8 named and 15-17 unknown accused persons including the petitioners against whom there is allegation of abusing and scuffling with the informant and police party due to which injury took place.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the petitioners have been falsely implicated due to village politics and land dispute. He further submits that the allegation is general and omnibus in nature.

5. Learned Counsel further submits that the petitioner due to land dispute, the scuffling took place between both the parties and in this scuffling, police party has also been injured.

6. Learned Counsel also submits that petitioner Nos.3, 4 and 5 have clean antecedent whereas petitioner No.1, 2 and 6 have no clean antecedent.

7. Learned APP for the State opposes the prayer for bail and submits that the petitioners are named in the F.I.R. and direct allegation of assault against them.

8. In the present facts and circumstances, let the above named petitioner Nos.3 (Sajan Kumar), 4 (Pankaj Kumar) and 5 (Pawan Kumar) be released on anticipatory bail as having clean antecedent, in the event of arrest or surrender before the Court



below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M.- 14, (East), Muzaffarpur in connection with Bochaha P. S. Case No.131 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. So far as petitioner Nos.1 (Ramesh Rai), 2 (Rajesh Rai) and 6 (Manjay Kumar) are concerned, this Court is not inclined to grant anticipatory bail to the petitioner Nos.1, 2 and 6 as their antecedent is not clean, therefore the bail application of the petitioner Nos.1, 2 and 6 is hereby rejected.

10. However, Trial Court is directed to consider the regular bail application of the petitioner Nos.1, 2 and 6, if they surrender within 4 weeks from today and pray for regular bail, then Trial Court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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