

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71088 of 2024

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

Santosh Rai Son of Ramishwar Ray @ Rameshwar Ray R/o Vill.- Bakhri,
P.S.- Baruraj, Dist.- Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2024 Heard Mr. Sanjay Parasmani, learned counsel for

the petitioner and Mr. Arun Kumar Pandey, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his 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.

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 petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that there is no specific



allegation against the petitioner rather there is general and omnibus allegation against all the 27 named and 200 unknown accused persons. He further submits that the similarly situated co-accused, 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 and another accused, namely, Ram Uday Singh has also been granted anticipatory bail by this Court vide order dated 06.09.2024 passed in Cr. Misc. No. 61131 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, 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) 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. Petitioner 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 petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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