

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81670 of 2024

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

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Arun Rai @ Arun Kumar Rai @ Arun Kumar Yadav Son of Sita Ram Rai
Resident of Village- Bhagwanpur, P.S.- Baruraj, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2024 Heard Mr. Sanjay Parasmani, learned counsel for

the petitioner and Mr. Rajendra Nath Jha, 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 the 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 have 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 from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act is against the petitioner rather there is general and omnibus allegation against all the named and unknown persons as mentioned in the FIR. He further submits that co-accused persons, namely, Anil Rai & Ors. have already been granted the privilege of anticipatory bail by this Court vide order dated 03.07.2024 passed in Cr. Misc. No. 41029 of 2024, co-accused person, namely, Ram Uday Singh has already been granted the privilege of anticipatory bail by this Court vide order dated 06.09.2024 passed in Cr. Misc. No. 61131 of 2024, co-accused person, namely, Sanjay Singh has also been granted the privilege of anticipatory bail by this Court vide order dated 06.09.2024 passed in Cr. Misc. No. 64061 of 2024, co-accused persons, namely, Ram Pravesh Rai and Anr. have already been granted the privilege of anticipatory bail by this Court vide order dated 20.09.2024 passed in Cr. Misc. No. 67178 of 2024 and co-accused person, namely, Santosh Rai has already been granted the privilege of anticipatory bail by this Court vide order dated 27.09.2024 passed in Cr. Misc. No. 71088 of 2024.

5. Learned Additional Public Prosecutor, on the other



hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and apart from that the petitioner carries three more cases other than the present one but fairly submits on the basis of the para-3 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts that there is no specific allegation of any assault or overt act against the petitioner and co-accused persons have already been granted the privilege of anticipatory bail by this Court, 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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