

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79646 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- AWTARNAGAR District- Saran

1. Shailendra Ray @ Shailendra Prasad Yadav Son of Vishambhar Rai Resident of village- Jhauwa tola, P.S.- Awtar Nagar, District- Saran at Chapra
2. Ramesh Rai Son of Suhag Rai Resident of village- Jhauwa tola, P.S.- Awtar Nagar, District- Saran at Chapra
3. Ranjeev Rai @ Ranjeev Kumar Rai Son of Ramesh Rai Resident of village- Jhauwa tola, P.S.- Awtar Nagar, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dewendra Narayan Singh, Adv.
For the State	:	Ms. Sharda Kumari, APP
For the Informant	:	Mr. Awadhesh Kr. Pandey, Adv.
		Mr. Abhishek Kumar Verma, Adv.
		Mr. Lokesh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 19-12-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State as also learned counsel for the Informant.

2. The petitioners apprehend their arrest in connection with Awtar Nagar P.S. Case No. 85 of 2023 registered for the offences punishable under Section 302, 120(B) of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of being



involved in assaulting the deceased due to which he sustained injuries and died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that there is no specific or direct allegation of any overt act against the petitioners rather the same are general and omnibus in nature as the allegation of committing the occurrence has been levelled against altogether nine accused persons. Though, there is specific allegation of pressing the neck of the Informant's husband against the petitioners but, the same appears to be absurd as the allegation does not inspire confidence. He further submits that as a matter of fact, the deceased has died his natural death due to his illness. In the postmortem report, no injury has been mentioned on the person of the deceased and, thus, it does not support the prosecution case. There is also no sign or symptom of pressing the neck in the postmortem report which creates doubt in the prosecution case. Different independent witnesses have not supported



the prosecution case. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application.

5. Learned counsel for the petitioners further submits that the co-accused Akhilesh Ray @ Akhilesh Yadav has already been granted regular bail by this Court vide order dated 21.11.2024 passed in Cr. Misc. No. 71379 of 2024.

6. Learned A.P.P. for the State as well as the Informant opposed the prayer for anticipatory bail of the petitioners, stating that the offence alleged against the petitioners is serious in nature. The Informant in the re-statement has supported her earlier version. The Inquest Report supports the prosecution case. The postmortem report also supports the prosecution case. The offence alleged against the petitioners is serious in nature and, hence, they do not deserve bail.

7. Considering the entire facts and circumstances of the case as also there being direct involvement of the petitioners in the alleged occurrence, this Court is not inclined to grant anticipatory bail to the petitioners.



8. Accordingly, the prayer for anticipatory bail of the petitioners, above named, is rejected.

9. If the petitioners surrender before the court below within a period of six weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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