

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84567 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Rakesh Kumar @ Rakesh Rai, aged about 23 years, male, son of Suresh Rai,
 2. Akasiya Devi @ Akaliya Devi aged about 40 years, female, Wife of Suresh Rai,
- Both Residents of Village- Dih Madhopur P.S. - Patory (Mohanpur OP)
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Khushi Awadh, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-12-2024 Heard Ms. Khushi Awadh, learned counsel appearing on behalf of the petitioners and Mr. Mithlesh Kumar Khare, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Patory (Mohanpur O.P.) P.S. Case No. 460 of 2023 registered for the offence punishable under Sections 147, 148, 149, 323, 341, 307, 452, 354B, 380, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the petitioners armed with variously armed weapons came at the



door of the informant and started abusing him and alleged that the children of his family use to pluck mango from their orchard and when the informant objected on this, on the order of one Karu Rai, co-accused Sanjay Rai and Vijay Rai tried to strangle the informant with a rope.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the case. There is case and counter case between the parties. General and omnibus allegation has been levelled against the petitioners. He further submits that in course of fierce fight, both the sides sustained injury and the petitioners might have assaulted the informant in their self defence without any intention. Similarly situated co-accused persons, namely, Karu Rai, Dhananjay Rai, Din Dayal Rai and Vijay Rai, have already been released on bail by this Court vide order dated 01.05.2024 passed in Cr. Miscellaneous No. 25737 of 2024. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that There is case and



counter case between the parties. General and omnibus allegation has been levelled against the petitioners. He further submits that in course of fierce fight, both the sides sustained injury and the petitioners might have assaulted the informant in their self defence without any intention. Similarly situated co-accused persons, namely, Karu Rai, Dhananjay Rai, Din Dayal Rai and Vijay Rai, have already been released on bail by this Court vide order dated 01.05.2024 passed in Cr. Miscellaneous No. 25737 of 2024. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Patory (Mohanpur O.P.) P.S. Case No. 460 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in



Para-3 of the bail petition, this order will automatically lose its
force.

(Purnendu Singh, J)

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