

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9417 of 2025

Arising Out of PS. Case No.-315 Year-2023 Thana- BARHARA District- Bhojpur

Shri Bhagwan Rai @ Bhagavan Ray Son of Late Ramnath Rai, R/o Village -
Gundi, Jai Lal Ke Tola, P.S.- Barhara (Krishnagarh), District - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-02-2025 Heard Mr. Ravindra Kumar, the learned counsel for
the petitioner and Mr. Ram Priya Sharan Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Barhara (Krishnagarh) PS Case No. 315 of
2023, FIR dated 27.05.2023, registered for the offences
punishable under Sections 147, 148, 149, 447, 448, 436, 427,
379 and 506 of the Indian Penal Code and under Section 27 of
Arms Act.

3. According to the prosecution case, on 25.05.2023
the co-accused persons threatened the informant that they will
set ablaze her poultry farm and on 26.05.2023, when she arrived
at her poultry farm, she found it torched and empty cartridges
were scattered here and there and her battery and inverter



amounting to Rs. 25,000/- (Rupees twenty-five thousand only) were missing and 150 hens worth of Rs. 15000/- (Rupees fifteen thousand only) were also burnt alive.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it is evident that informant is not the eyewitness to the alleged occurrence and it also appears from the FIR that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner. In fact, wife of the co-accused person namely, Punanjay Singh has already filed two cases bearing complaint case no. 1840 of 2019 and money suit no. 18 of 2019 against the informant and her family members, which is still pending for consideration before the competent Court of law and due to this reason the petitioners have falsely been implicated in the present case. He lastly submits that the co-accused persons namely, Mohit Kumar @ Mohit Rai and Vikash Kumar @ Vikash Rai have been granted the privilege of anticipatory bail by this Court *vide* order dated 20.02.2024 passed in Cr. Misc. No. 9643 of 2024.



5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is no specific allegation of any assault or overt act, informant is not the eyewitness to the alleged occurrence and similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Bhojpur, Ara, where the case is pending in connection with **Barhara (Krishnagarh) PS Case No. 315 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as



directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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