

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22892 of 2025

Arising Out of PS. Case No.-291 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Vicky Roy @ Chotu Ray Son of Late Ashok Ray Resident of Bari-Hat, Durga
Mandir, Ps- K. Hat (Sahayak), Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-07-2025 Heard Learned counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with K-Hat (Sahayak) P.S. Case No. 291 of 2019 lodged on 01.05.2019, for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 379 & 504 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against five named accused persons excluding the present petitioner. The allegation against those accused persons is that the dispute between the informant with one Fatkan Vishwas relating to land was going on and with a view to resolve the said dispute, *panchayati* was going on. And, both parties appeared in the said *panchayati*, but scuffling took place between the participants of the *panchayati* which resulted into filing of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



submits that petitioner is not named in the FIR and his name has figured in this case during investigation. Counsel submits that on previous occasion, case diary has been called for and material has come against the petitioner that he was found near the place of occurrence, but house of the petitioner is situated near the place of occurrence, therefore his movement is obvious at that very place. Counsel further submits that named accused persons of the FIR has been granted anticipatory bail by the Co-ordinate Bench of this Court *vide* orders dated 09.12.2019 & 06.03.2020 passed in Cr. Misc. Nos.73164 of 2019, 70153 of 2019 & 63288 of 2019 respectively. Counsel submits that one of the accused namely, Akash Kumar who was also not named in the FIR and whose case is similarly situated to that of present petitioner was granted anticipatory bail by the Co-ordinate Bench of this Court *vide* order dated 17.01.2025 passed in Cr. Misc. No.86138 of 2024.

5. Learned counsel for the petitioner further submits that the criminal antecedent of the petitioner is not clean as there are two cases pending against him and in both the cases, he is on bail. Counsel submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State opposes the prayer for



bail of the petitioner but submits that upon perusal of the documents annexed in the present application, it transpires that series of persons have been granted anticipatory bail in this case.

7. As such, in the present facts and circumstances of this case considering that petitioner is not named in the FIR as well as in one of the bail application, it has been acknowledged by the Co-ordinate Bench of this Court that there are 6 FIRs registered for the same date and place of occurrence, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of Chief Judicial Magistrate, Purnea, in connection with K-Hat (Sahayak) P.S. Case No. 291 of 2019, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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