

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37316 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- NADI P.S. District- Patna

- 1. Bhola Kumar @ Prem Kumar SON OF SUKUMAR RAY @ SHIV KUMAR @ SHIV KUMAR RAY R/O VILLAGE- JETHULI, P.S.- NADI, DIST- PATNA
- 2. RAJEEV KUMAR SON OF LATE JEETLAL RAY R/O VILLAGE- JETHULI, P.S.- NADI, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 30809 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- NADI P.S. District- Patna

Jitendra Rai @ Jitendra Kumar S/o Late Ram Devan Singh R/o Village- Jethuli, P.S Nadi, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 33799 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- NADI P.S. District- Patna

- 1. Dilip Roy @ Dilip Kumar son of Late Ram Devan Singh Resident of Village- Jethuli, P.S.- Nadi, Dist.- Patna
- 2. Baiju Roy @ Baiju Kumar Son of Gathni @ Ganni Roy Resident of Village- Jethuli, P.S.- Nadi, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 37316 of 2024)
For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
Mr.Vaishnavi Singh, Adv
Mr. Ritwik Thakur, Adv
For the Opposite Party/s : Mr.Binod Kumar
(In CRIMINAL MISCELLANEOUS No. 30809 of 2024)



For the Petitioner/s : Mr.Vijay Anand, Adv
For the Opposite Party/s : Mr.Rajendra Nath Jha
(In CRIMINAL MISCELLANEOUS No. 33799 of 2024)
For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
Mr.Vaishnavi Singh, Adv
Mr. Ritwik Thakur, Adv
For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 19-03-2025 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners are in custody in connection with Nadi
P.S Case No. 76 of 2023 registered for the offences punishable under
Sections 147, 148, 149, 342, 448, 302, 307, 506 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per prosecution, the informant of this case has
lodged an FIR against 30 named persons and 15-20 unknown
persons. It has been alleged by the informant that on 19.02.2023 at
about 11:00 AM, when his nephew Bittu Kumar was on his four
wheeler vehicle moving towards that road from his house, he found
the road obstructed by sand and concrete caused by associates of one
Umesh Rai. It has further been alleged that when Bittu Kumar
insisted to clear the road, then all thirty (30) FIR named accused and
15-20 unknown persons got injured and in course of treatment two of
them died.

4. Learned counsel for the petitioners in Cr. Misc. No.
37316 of 2024 and Cr. Misc. No. 33799 of 2024 submits that
petitioners have falsely been implicated in this case. He next submits



that it is evident from the FIR that alleged occurrence took place on 19.02.2023 but the alleged fardbeyan was allegedly recorded on 20.02.2023 and there is no explanation as to why this FIR was lodged at such a belated state. He has falsely been implicated in this case due to political rivalry. From perusal of FIR, it is evident that there is no specific allegation of firing or assaulting against the petitioners. All allegation leveled against the petitioners is general and omnibus in nature. It is also submitted that petitioner no. 1 is in judicial custody since 10.12.2023 and petitioner no. 2 is in judicial custody since 13.12.2023. He further submits that other co-accused has been granted bail vide order dated 11.10.2023, 28.11.2023, 27.03.2024 in Cr. Misc. No. 49321 of 2023, 55258 of 2023 and 79482 of 2023. Learned counsel for the petitioner has also produced the copy of the order sheet before this Court that has been challenged by the informant in Cr. Misc. No. 74982 of 2023 before the Hon'ble Supreme Court in Special Leave Petition (Criminal) Diary No(s). 19402 of 2024 in which Hon'ble Apex Court has affirmed the order of this Court.

5. Learned counsel for the petitioners in Cr. Misc. No. 30809 of 2024 has affirmed with the submissions made by the learned counsels appearing in Cr. Misc. No. 37316 of 2024 and Cr. Misc. No. 33799 of 2024.

6. Learned APP for the State oppose the prayer for regular bail of the petitioner



7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that this is the case of four murders and the petitioners are somewhere involved in the said occurrence. He further submits that the bail of the other co-accused persons namely, Aryan Kumar and Akhilesh Kumar has been rejected by the co-ordinate Bench of this Court in Cr. Misc. No. 83171 of 2024, therefore, petitioner shall not be granted privilege of bail.

8. On perusal of the FIR, impugned order dated 13.03.2024 and entire Case Diary, there is no specific allegation against the petitioners which is apparent from paragraph 84 of the Case Diary and keeping in view that the similarly situated five accused persons has already been granted bail and keeping in view that the order passed by the Hon’ble Apex Court in which the Hon’ble Apex Court has affirmed the order of this Court passed in Cr. Misc. No. 74982 of 2023 and submissions made on behalf of the learned counsel for the petitioners, let the above named all the petitioners, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV/Concerned Court Patna City, Patna in connection with Nadi P.S Case No. 76 of 2023.

(Ramesh Chand Malviya, J)

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