

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50904 of 2025

Arising Out of PS. Case No.-178 Year-2021 Thana- RAJEPUR District- East Champaran

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Vinay Rai son of Mohan Rai village- Nonimal, Ps- Rajepur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection with Rajepur P.S. Case No. 178 of 2021 lodged on 15.11.2021, for the offences punishable under sections 147, 148, 149, 150, 151, 152, 171, 341, 342, 323, 307, 332, 333, 337, 338, 353, 120B, 504 and 506 of the Indian Penal Code.

3. As per the prosecution, the F.I.R. has been lodged against 42 named accused persons and 100–150 unknown accused persons. It is alleged in the F.I.R. that during the election, the informant received information that a person, after casting his vote, had taken a photograph and was showing it to other, thereby attempting to compromise the confidentiality of the election. Thereafter, both such persons were taken out of the



election centre, and the process to seize their mobile phones was initiated. In the meantime, 40–50 people, armed with lathis and dandas, arrived and freed both persons, also taking away the mobile phone. Subsequently, when attempts were made to arrest the said persons, 80–90 additional accused persons, variously armed, arrived and attacked with the intention to kill, causing injuries to several police personnel.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The accusation against him is general, vague, and omnibus in nature. Though the petitioner is named in the F.I.R., in a mob of 100–150 people, his name, parentage, and address have been disclosed by someone else due to political rivalry. The petitioner has not participated in the alleged crime, and except for mere suspicion, there is no material to indicate his complicity in the alleged offence. Learned counsel further submits that several co-accused persons have been granted bail by different co-ordinate Benches vide orders dated 08.04.2022, 11.05.2022, 14.11.2022, 19.10.2023, 29.11.2023, 19.03.2025 and 07.05.2025 passed in Criminal Miscellaneous No. 15421 of 2022, Criminal Miscellaneous No. 15678 of 2022; Criminal Miscellaneous No. 11859 of 2022; Criminal Miscellaneous No. 26915 of 2022;



Criminal Miscellaneous No. 67081/2023; Criminal Miscellaneous No. 76999/2023, Criminal Miscellaneous No. 11996 of 2025 and Criminal Miscellaneous No. 28504/2025. However, the petitioner is accused in one more criminal case, but in that case, he has been granted bail.

5. Learned APP for the State opposes the prayer for bail.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the Judicial Magistrate-1st Class, Sadar at Motihari, East Champaran, in connection with Rajepur P.S. Case No. 178 of 2021, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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