

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73876 of 2024

Arising Out of PS. Case No.-269 Year-2024 Thana- BIDUPUR District- Vaishali

1. Deo Nath Rai @ Hulla Rai @ Hull Rai S/o- Late Pragash Rai Vill-Judawanpur,P.O-Bidupur,P.S-Bidupur, Dist- Vaishali
2. Arvind Rai Son of Arjun Rai Vill-Judawanpur,P.O-Bidupur,P.S-Bidupur, Dist- Vaishali
3. Chhotan Rai @ Chhotu Rai S/o- Arjun Rai Vill-Judawanpur,P.O-Bidupur,P.S-Bidupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha
For the Opposite Party/s : Mr. Anita Kumari

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 07-05-2025 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners apprehends his arrest in a case registered for the offences punishable under Sections 148, 149, 150, 341, 323, 324, 307, 325, 354, 114, 504, 506 and 452 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, as many as 18 persons have been made accused in the First Information report and the petitioner is one amongst them. The allegation is that accused persons were armed with khanti and hockey sticks, who tried to break the pillar on the land of the informant, and on protest they



assaulted the informant. The further allegation is upon Anil Rai and Kishan Rai that they opened fire upon the informant and his elder brother, causing injuries to them.

4. Learned counsel for the petitioners submits that there is general and omnibus allegation against the 18 persons named in the First Information Report and the petitioner is also one of those 18 persons. It has been further submitted that the specific allegation of resorting to fire has been attributed to co-accused Anil Rai and Kishan Rai and further allegation of assault has also been attributed to accused Rinku Devi and Kavita Devi, causing injury to informants' wife. Further, there is specific allegation of assault upon co-accused Umesh Rai of assaulting the informant's mother, who also was injured. So far as the present petitioners are concerned, they are only said to be members of the mob, armed with hockey sticks and khanti with no specific allegation having been attributed to them.

5. Learned APP for the State opposes the prayer for anticipatory bail on the ground that during the course of investigation, material has been collected which would show that injuries were received by the injured persons. However, the specific injury reports are not available along with the case diary. The prayer for bail has also been opposed on the ground



that the petitioners have criminal antecedents. In response to the same, learned counsel for the petitioner has submitted that the petitioners are not concerned with any of the injured persons as there is no specific allegation upon them and he has also filed a supplementary affidavit to bring on record the facts that the petitioner No. 1 is aged about 80 years, however, he has 5 criminal antecedent and he is on bail in all the five cases. There are two cases each on petitioner Nos. 2 and 3, where also all are in bail in the said cases. The attention of the Court has also been drawn to the earlier order dated 29.01.2025 passed in Criminal Miscellaneous No. 75969 of 2024 wherein a Co-ordinate bench has already extended the privilege of anticipatory bail to one of the co-accused, Sanjay Kumar.

6. Considering the fact that there are no specific allegations of assault of the petitioner, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/Successor Court, Vaishali at Hajipur, in connection with Bidupur P.S. Case No.269 of 2024, subject to the condition laid down under Section 438 (2) of the Code of



Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and
and subject to the further condition that:-

(i) the petitioners shall co-operate in the
investigation/trial.

(ii) the learned Court would, however, verify the
criminal antecedent of the petitioners before releasing them on
bail.

(Soni Shrivastava, J)

sharun/-

U		T	
---	--	---	--

