

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82222 of 2024

Arising Out of PS. Case No.-507 Year-2023 Thana- RAHUI District- Nalanda

1. Raja Kumar Son of Farud Raut Village -Majitpur, PS- Rahui, Dist- Nalanda
2. Varun Raut @ Varun Kumar son of Baleshwar Raut Village -Majitpur, PS- Rahui, Dist- Nalanda
3. Shalendra Raut son of Baleshwar Raut Village -Majitpur, PS- Rahui, Dist- Nalanda
4. Chandan Kumar son of Varun Raut Village -Majitpur, PS- Rahui, Dist- Nalanda
5. Manish Kumar son of Shalendra Raut Village -Majitpur, PS- Rahui, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar Verma, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-01-2025 Heard the learned Advocate for the petitioners and
the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Rahui P.S. Case No. 507 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code.

3. It is alleged that on the fateful day while the informant returning from the *chatth ghat* along with his family members, in the meantime, all the FIR named accused persons, including the petitioners intercepted them and started abusing and assaulting. It is further alleged that all the accused persons



brutally assaulted the informant and others by means of iron rod, *lathi* and *danda*, causing injury to the informant and four other persons.

4. Learned Advocate appearing on behalf of the petitioners contended that there is no specific allegation against any of the accused persons including the petitioners and a general and omnibus allegation has been levelled against all of them. Both the parties have entered into a free fight resulting into injuries to the persons of both the sides, leading to the institution of counter case bearing Rahui P.S. Case No.508 of 2023, copy of which is marked as P/2. During the course of investigation, the petitioners have already been allowed the privilege of 41(a) and later on charge-sheet has been submitted only under Sections 341, 323, 504, 506/34 of the Indian Penal Code. However, later on the learned Jurisdictional Court has taken cognizance for the offences as alleged in the FIR, which necessitate the present application before this Court. It is lastly contended that the petitioners are men of fair antecedent and they undertake before this Court that they will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State as well as the informant vehemently opposed the pre-arrest bail



application and submitted that the petitioners have actively participated in the crime and brutally assaulted the informant and other family members due to which they sustain serious injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against the petitioners coupled with the factum of case and counter case and the fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-II, Bihar Sharif, Nalanda in connection with Rahui P.S. Case No. 507 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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