

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2378 of 2025

Arising Out of PS. Case No.-327 Year-2023 Thana- PAROO District- Muzaffarpur

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Dhaneshar Rai @ Dhanesh Rai Son of Jagan Ray Resident of Village -
Chhapra Ash, P.S. - Paroo, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 08-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Paroo P.S. Case No. 327/2023 registered on 25.07.2023 for the offenses punishable under Sections 147, 148, 342, 323, 324, 325, 307, 302 and 504 of the Indian Penal Code.

3. As per the prosecution, an F.I.R. has been lodged against ten named accused persons, including the petitioner, alleging that on the date of the incident, a scuffle occurred between the parties arising out of a land dispute. It is further alleged that co-accused Ram Babu Rai and Lalbabu Rai assaulted the informant using a sword, resulting in injuries to the informant's son, who later succumbed to those injuries.



4. Learned counsel for the petitioner submits that the allegations levelled against the petitioner are omnibus and general in nature. It is further submitted that the petitioner has no criminal antecedents. The learned counsel states that the parties are agnates, and the incident occurred in the context of a long-standing land dispute, culminating in a scuffle that unfortunately resulted in the death of the informant's son. There is no specific allegation of overt act attributed to the petitioner, apart from the general accusation of being part of the mob. It is also submitted that similarly situated co-accused have already been granted bail by a co-ordinate Bench of this Court vide order dated 28.10.2024 passed in *Criminal Miscellaneous No. 65873 of 2024*.

5. The learned Additional Public Prosecutor (APP) for the State vehemently opposes the prayer for bail and submits that the case involves the death of informant's son caused by a mob, and the name of the petitioner finds mention in the F.I.R. as one of the accused.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Paroo P.S. Case No. 327/2023, pending before the learned Judicial Magistrate, 1st Class, (West),



Muzaffarpur, is hereby rejected.

7. However, it is directed that the petitioner shall surrender before the Trial Court within a period of six weeks from today. In case the petitioner surrenders within this period, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day considering his role in the commission of crime, without being prejudiced by the fact that the petitioner’s anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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